

(Pub. L. 107–296, title IV, § 416, as added Pub. L. 116–260, div. U, title III, § 302(a), Dec. 27, 2020, 134 Stat. 2291; amended Pub. L. 117–263, div. G, title LXXI, § 7135(a), (b), Dec. 23, 2022, 136 Stat. 3650.)

Editorial Notes

PRIOR PROVISIONS

A prior section 216 of this title, Pub. L. 107–296, title IV, § 416, Nov. 25, 2002, 116 Stat. 2181, related to GAO report to Congress, prior to repeal by Pub. L. 114–125, title VIII, § 802(f), Feb. 24, 2016, 130 Stat. 210.

AMENDMENTS

2022—Subsec. (b)(1)(C). Pub. L. 117–263, § 7135(a), added subpar. (C).

Subsec. (c). Pub. L. 117–263, § 7135(b), inserted “, containment devices,” after “equipment” in heading and substituted “, opioid receptor antagonists, including naloxone, and containment devices” for “and opioid receptor antagonists, including naloxone” in text.

Statutory Notes and Related Subsidiaries

APPLICABILITY TO OTHER COMPONENTS

Pub. L. 117–263, div. G, title LXXI, § 7135(c), Dec. 23, 2022, 136 Stat. 3650, provided that: “If the Secretary of Homeland Security determines that officers, agents, other personnel, or canines of a component of the Department of Homeland Security other than U.S. Customs and Border Protection are at risk of potential synthetic opioid exposure in the course of their duties, the head of such component shall carry out the responsibilities under section 416 of the Homeland Security Act of 2002 (6 U.S.C. 216) in the same manner and to the same degree as the Commissioner of U.S. Customs and Border Protection carries out such responsibilities.”

§ 217. Allocation of resources by the Secretary

(a) In general

The Secretary shall ensure that adequate staffing is provided to assure that levels of customs revenue services provided on the day before the effective date of this chapter shall continue to be provided.

(b) Notification of Congress

The Secretary shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at least 90 days prior to taking any action which would—

- (1) result in any significant reduction in customs revenue services, including hours of operation, provided at any office within the Department or any port of entry;
- (2) eliminate or relocate any office of the Department which provides customs revenue services; or
- (3) eliminate any port of entry.

(c) Definition

In this section, the term “customs revenue services” means those customs revenue functions described in paragraphs (1) through (6) and paragraph (8) of section 215 of this title.

(Pub. L. 107–296, title IV, § 417, Nov. 25, 2002, 116 Stat. 2181.)

Editorial Notes

REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (a), is 60 days after Nov. 25, 2002, see section 4 of

Pub. L. 107–296, set out as an Effective Date note under section 101 of this title.

§ 218. Asia-Pacific Economic Cooperation Business Travel Cards

(a) In general

The Commissioner of U.S. Customs and Border Protection is authorized to issue an Asia-Pacific Economic Cooperation Business Travel Card (referred to in this section as an “ABT Card”) to any individual described in subsection (b).

(b) Card issuance

An individual described in this subsection is an individual who—

- (1) is a citizen of the United States;
- (2) has been approved and is in good standing in an existing international trusted traveler program of the Department; and
- (3) is—

(A) engaged in business in the Asia-Pacific region, as determined by the Commissioner of U.S. Customs and Border Protection; or

(B) a United States Government official actively engaged in Asia-Pacific Economic Cooperation business, as determined by the Commissioner of U.S. Customs and Border Protection.

(c) Integration with existing travel programs

The Commissioner of U.S. Customs and Border Protection shall integrate application procedures for, and issuance, renewal, and revocation of, ABT Cards with existing international trusted traveler programs of the Department.

(d) Cooperation with private entities and non-governmental organizations

In carrying out this section, the Commissioner of U.S. Customs and Border Protection may consult with appropriate private sector entities and nongovernmental organizations, including academic institutions.

(e) Fee

(1) In general

The Commissioner of U.S. Customs and Border Protection shall—

- (A) prescribe and collect a fee for the issuance and renewal of ABT Cards; and
- (B) adjust such fee to the extent the Commissioner determines necessary to comply with paragraph (2).

(2) Limitation

The Commissioner of U.S. Customs and Border Protection shall ensure that the total amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with operating and maintaining the ABT Card issuance and renewal processes.

(3) Account for collections

There is established in the Treasury of the United States an “Asia-Pacific Economic Cooperation Business Travel Card Account” into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.

(4) Use of funds

Amounts deposited into the Asia Pacific¹ Economic Cooperation Business Travel Card Account established under paragraph (3) shall—

(A) be credited to the appropriate account of the² U.S. Customs and Border Protection for expenses incurred in carrying out this section; and

(B) remain available until expended.

(f) Notification

The Commissioner of U.S. Customs and Border Protection shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 60 days after the expenditures of funds to operate and provide ABT Card services beyond the amounts collected under subsection (e)(1).

(g) Trusted traveler program defined

In this section, the term “trusted traveler program” means a voluntary program of the Department that allows U.S. Customs and Border Protection to expedite clearance of pre-approved, low-risk travelers arriving in the United States.

(Pub. L. 107–296, title IV, § 418, as added Pub. L. 115–79, § 2(a), Nov. 2, 2017, 131 Stat. 1258.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 218, Pub. L. 107–296, title IV, § 418, Nov. 25, 2002, 116 Stat. 2181, related to reports to Congress from the United States Customs Service and the Secretary of the Treasury, prior to repeal by Pub. L. 114–125, title VIII, § 802(f), Feb. 24, 2016, 130 Stat. 210.

Statutory Notes and Related Subsidiaries**TRANSFER OF FUNDS FROM APEC BUSINESS TRAVEL CARD ACCOUNT**

Pub. L. 115–79, § 3, Nov. 2, 2017, 131 Stat. 1259, provided that:

“(a) *In General.*—Notwithstanding the repeal of the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (Public Law 112–54; 8 U.S.C. 1185 note) pursuant to section 4(b)(1), amounts deposited into the APEC Business Travel Card Account established pursuant to such Act as of the date of the enactment of this Act [Nov. 2, 2017] are hereby transferred to the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to section 418(e) of the Homeland Security Act of 2002 [6 U.S.C. 218(e)] (as added by section 2(a) of this Act), and shall be available without regard to whether such amounts are expended in connection with expenses incurred with respect to an ABT Card issued at any time before or after such date of enactment.

“(b) *Availability.*—Amounts deposited in the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to section 418(e) of the Homeland Security Act of 2002, in addition to the purposes for which such amounts are available pursuant to such subsection, shall also be available for expenditure in connection with expenses incurred with respect to ABT Cards issued at any time before the date of the enactment of such section.

“(c) *Termination.*—After the completion of the transfer described in subsection (a), the Asia-Pacific Eco-

nomics Cooperation Business Travel Card Account established pursuant to the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 shall be closed.”

§ 220. Methamphetamine and methamphetamine precursor chemicals**(a) Compliance with performance plan requirements**

As part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) Study and report relating to methamphetamine and methamphetamine precursor chemicals**(1) Analysis**

The Commissioner shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through international mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) Report

Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in the consultation with the Attorney General, United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on International Relations of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1); and

(B) a description of how the United¹ States Customs and Border Protection utilized the analysis described in paragraph (1) to target

¹ So in original. Probably should be “Asia-Pacific”.

² So in original. The word “the” probably should not appear.

¹ So in original.