

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

# H. R. 3586

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 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. Establishment of the Office of Biometric Identity Management.
- Sec. 6. Cost-benefit analysis of co-locating operational entities.
- Sec. 7. Strategic personnel plan for U.S. Customs and Border Protection personnel deployed abroad.
- Sec. 8. Threat assessment for United States-bound international mail.
- Sec. 9. Evaluation of Coast Guard Deployable Specialized Forces.
- Sec. 10. Customs-Trade Partnership Against Terrorism improvement.
- Sec. 11. Strategic plan to enhance the security of the international supply chain.
- Sec. 12. Container Security Initiative.
- Sec. 13. Transportation Worker Identification Credential waiver and appeals process.
- Sec. 14. Repeals.

6 **SEC. 2. U.S. CUSTOMS AND BORDER PROTECTION COORDI-**  
7 **NATION.**

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

11 **“SEC. 420. IMMIGRATION COOPERATION PROGRAM.**

12 “(a) **IN GENERAL.**—There is established within U.S.  
13 Customs and Border Protection a program to be known  
14 as the Immigration Cooperation Program. Under the Pro-  
15 gram, U.S. Customs and Border Protection officers, pur-  
16 suant to an arrangement with the government of a foreign  
17 country, may cooperate with authorities of that govern-

1 ment, air carriers, and security employees at airports lo-  
2 cated in that country, to identify persons who may be in-  
3 admissible to the United States or otherwise pose a risk  
4 to border security.

5 “(b) ACTIVITIES.—In carrying out the program, U.S.  
6 Customs and Border Protection officers posted in a for-  
7 eign country under subsection (a) may—

8 “(1) be stationed at airports in that country,  
9 including for purposes of conducting risk assess-  
10 ments and enhancing border security;

11 “(2) assist authorities of that government, air  
12 carriers, and security employees with document ex-  
13 amination and traveler security assessments;

14 “(3) provide relevant training to air carriers,  
15 their security staff, and such authorities;

16 “(4) exchange information with, and provide  
17 technical assistance, equipment, and training to,  
18 such authorities to facilitate risk assessments of  
19 travelers and appropriate enforcement activities re-  
20 lated to such assessments;

21 “(5) make recommendations to air carriers to  
22 deny boarding to potentially inadmissible travelers  
23 bound for the United States; and

24 “(6) conduct other activities, as appropriate, to  
25 protect the international borders of the United

1 States and facilitate the enforcement of United  
2 States laws, as directed by the Commissioner of U.S.  
3 Customs and Border Protection.

4 **“SEC. 420A. AIR CARGO ADVANCE SCREENING.**

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

7 “(1) consistent with the requirements enacted  
8 by the Trade Act of 2002 (Public Law 107–210)—

9 “(A) establish a program for the collection  
10 by U.S. Customs and Border Protection of ad-  
11 vance electronic information from air carriers  
12 and other persons and governments within the  
13 supply chain regarding cargo being transported  
14 to the United States by air; and

15 “(B) under such program, require that  
16 such information be transmitted by such per-  
17 sons and governments at the earliest point  
18 practicable prior to loading of such cargo onto  
19 an aircraft destined to or transiting through the  
20 United States; and

21 “(2) coordinate with the Administrator for the  
22 Transportation Security Administration to identify  
23 opportunities where the information furnished in  
24 compliance with the program established under this  
25 section can be used to meet the requirements of a

1 program administered by the Administrator of the  
2 Transportation Security Administration.

3 **“SEC. 420B. U.S. CUSTOMS AND BORDER PROTECTION OF-**  
4 **FICE OF AIR AND MARINE OPERATIONS**  
5 **ASSET DEPLOYMENT.**

6 “(a) IN GENERAL.—Any deployment of new assets  
7 by U.S. Customs and Border Protection’s Office of Air  
8 and Marine Operations following the date of the enact-  
9 ment of this section, shall, to the greatest extent prac-  
10 ticable, occur in accordance with a risk-based assessment  
11 that considers mission needs, validated requirements, per-  
12 formance results, threats, costs, and any other relevant  
13 factors identified by the Commissioner of U.S. Customs  
14 and Border Protection. Specific factors to be included in  
15 such assessment shall include, at a minimum, the fol-  
16 lowing:

17 “(1) Mission requirements that prioritize the  
18 operational needs of field commanders to secure the  
19 United States border and ports.

20 “(2) Other Department assets available to help  
21 address any unmet border and port security mission  
22 requirements, in accordance with paragraph (1).

23 “(3) Risk analysis showing positioning of the  
24 asset at issue to respond to intelligence on emerging  
25 terrorist or other threats.

1           “(4) Cost-benefit analysis showing the relative  
2           ability to use the asset at issue in the most cost-ef-  
3           fective way to reduce risk and achieve mission suc-  
4           cess.

5           “(b) CONSIDERATIONS.—An assessment required  
6           under subsection (a) shall consider applicable Federal  
7           guidance, standards, and agency strategic and perform-  
8           ance plans, including the following:

9           “(1) The most recent departmental Quadrennial  
10          Homeland Security Review under section 707, and  
11          any follow-up guidance related to such Review.

12          “(2) The Department’s Annual Performance  
13          Plans.

14          “(3) Department policy guiding use of inte-  
15          grated risk management in resource allocation deci-  
16          sions.

17          “(4) Department and U.S. Customs and Border  
18          Protection Strategic Plans and Resource Deploy-  
19          ment Plans.

20          “(5) Applicable aviation guidance from the De-  
21          partment, including the DHS Aviation Concept of  
22          Operations.

23          “(6) Other strategic and acquisition guidance  
24          promulgated by the Federal Government as the Sec-  
25          retary determines appropriate.

1           “(c) AUDIT AND REPORT.—The Inspector General of  
2 the Department shall biennially audit the deployment of  
3 new assets by U.S. Customs and Border Protection’s Of-  
4 fice of Air and Marine Operations and submit to the Com-  
5 mittee on Homeland Security of the House of Representa-  
6 tives and the Committee on Homeland Security and Gov-  
7 ernmental Affairs of the Senate a report on the compli-  
8 ance of the Department with the requirements of this sec-  
9 tion.

10           “(d) MARINE INTERDICTION STATIONS.—Not later  
11 than 180 days after the date of the enactment of this sec-  
12 tion, the Commissioner of U.S. Customs and Border Pro-  
13 tection shall submit to the Committee on Homeland Secu-  
14 rity of the House of Representatives and the Committee  
15 on Homeland Security and Governmental Affairs of the  
16 Senate an identification of facilities owned by the Federal  
17 Government in strategic locations along the maritime bor-  
18 der of California that may be suitable for establishing ad-  
19 ditional Office of Air and Marine Operations marine inter-  
20 diction stations.

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

22           “(a) ESTABLISHMENT.—The Secretary shall estab-  
23 lish within the Department a program to be known as the  
24 Integrated Border Enforcement Team program (referred  
25 to in this section as ‘IBET’).

1       “(b) PURPOSE.—The Secretary shall administer the  
2 IBET program in a manner that results in a cooperative  
3 approach between the United States and Canada to—

4           “(1) strengthen security between designated  
5 ports of entry;

6           “(2) detect, prevent, investigate, and respond to  
7 terrorism and violations of law related to border se-  
8 curity;

9           “(3) facilitate collaboration among components  
10 and offices within the Department and international  
11 partners;

12           “(4) execute coordinated activities in further-  
13 ance of border security and homeland security; and

14           “(5) enhance information-sharing, including the  
15 dissemination of homeland security information  
16 among such components and offices.

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

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

21           “(A) Other subcomponents of U.S. Cus-  
22 toms and Border Protection.

23           “(B) U.S. Immigration and Customs En-  
24 forcement, led by Homeland Security Investiga-  
25 tions.

1           “(C) The Coast Guard, for the purpose of  
2           securing the maritime borders of the United  
3           States.

4           “(D) Other Department personnel, as ap-  
5           propriate.

6           “(E) Other Federal departments and agen-  
7           cies, as appropriate.

8           “(F) Appropriate State law enforcement  
9           agencies.

10          “(G) Foreign law enforcement partners.

11          “(H) Local law enforcement agencies from  
12          affected border cities and communities.

13          “(I) Appropriate tribal law enforcement  
14          agencies.

15          “(2) LOCATION.—The Secretary is authorized  
16          to establish IBETs in regions in which such teams  
17          can contribute to IBET missions, as appropriate.  
18          When establishing an IBET, the Secretary shall con-  
19          sider the following:

20                 “(A) Whether the region in which the  
21                 IBET would be established is significantly im-  
22                 pacted by cross-border threats.

23                 “(B) The availability of Federal, State,  
24                 local, tribal, and foreign law enforcement re-  
25                 sources to participate in an IBET.

1           “(C) Whether, in accordance with para-  
2           graph (3), other joint cross-border initiatives al-  
3           ready take place within the region in which the  
4           IBET would be established, including other De-  
5           partment cross-border programs such as the In-  
6           tegrated Cross-Border Maritime Law Enforce-  
7           ment Operation Program established under sec-  
8           tion 711 of the Coast Guard and Maritime  
9           Transportation Act of 2012 (46 U.S.C. 70101  
10          note) or the Border Enforcement Security Task  
11          Force established under section 432.

12          “(3) DUPLICATION OF EFFORTS.—In deter-  
13          mining whether to establish a new IBET or to ex-  
14          pand an existing IBET in a given region, the Sec-  
15          retary shall ensure that the IBET under consider-  
16          ation does not duplicate the efforts of other existing  
17          interagency task forces or centers within such re-  
18          gion, including the Integrated Cross-Border Mari-  
19          time Law Enforcement Operation Program estab-  
20          lished under section 711 of the Coast Guard and  
21          Maritime Transportation Act of 2012 (46 U.S.C.  
22          70101 note) or the Border Enforcement Security  
23          Task Force established under section 432.

24          “(d) OPERATION.—

1           “(1) IN GENERAL.—After determining the re-  
2           gions in which to establish IBETs, the Secretary  
3           may—

4                   “(A) direct the assignment of Federal per-  
5                   sonnel to such IBETs; and

6                   “(B) take other actions to assist Federal,  
7                   State, local, and tribal entities to participate in  
8                   such IBETs, including providing financial as-  
9                   sistance, as appropriate, for operational, admin-  
10                  istrative, and technological costs associated with  
11                  such participation.

12           “(2) LIMITATION.—Coast Guard personnel as-  
13           signed under paragraph (1) may be assigned only  
14           for the purposes of securing the maritime borders of  
15           the United States, in accordance with subsection  
16           (c)(1)(C).

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

22           “(f) MEMORANDA OF UNDERSTANDING.—The Sec-  
23           retary may enter into memoranda of understanding with  
24           appropriate representatives of the entities specified in sub-  
25           section (e)(1) necessary to carry out the IBET program.

1       “(g) REPORT.—Not later than 180 days after the  
2 date on which an IBET is established and biannually  
3 thereafter for the following six years, the Secretary shall  
4 submit to the appropriate congressional committees, in-  
5 cluding the Committee on Homeland Security of the  
6 House of Representatives and the Committee on Home-  
7 land Security and Governmental Affairs of the Senate,  
8 and in the case of Coast Guard personnel used to secure  
9 the maritime borders of the United States, additionally to  
10 the Committee on Transportation and Infrastructure of  
11 the House of Representatives, a report that—

12               “(1) describes the effectiveness of IBETs in ful-  
13       filling the purposes specified in subsection (b);

14               “(2) assess the impact of certain challenges on  
15       the sustainment of cross-border IBET operations,  
16       including challenges faced by international partners;

17               “(3) addresses ways to support joint training  
18       for IBET stakeholder agencies and radio interoper-  
19       ability to allow for secure cross-border radio commu-  
20       nications; and

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

1 (b) CLERICAL AMENDMENT.—The table of contents  
 2 in section 1(b) of the Homeland Security Act of 2002 is  
 3 amended by adding after the item relating to section 419  
 4 the following new item:

“Sec. 420. Immigration cooperation 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.”.

5 (c) DEADLINE FOR AIR CARGO ADVANCE SCREEN-  
 6 ING.—The Commissioner of U.S. Customs and Border  
 7 Protection shall implement section 420A of the Homeland  
 8 Security Act of 2002, as added by this section, by not later  
 9 than one year after the date of the enactment of this Act.  
 10 **SEC. 3. BORDER AND MARITIME SECURITY EFFICIENCIES.**

11 (a) IN GENERAL.—Subtitle C of title IV of the  
 12 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)  
 13 is amended by adding at the end the following new sec-  
 14 tions:

15 **“SEC. 434. BORDER SECURITY JOINT TASK FORCES.**

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

22 “(1) JOINT TASK FORCE—EAST.—Joint Task  
 23 Force-East shall, at the direction of the Secretary

1 and in coordination with Joint Task Force West,  
2 create and execute a strategic plan to secure the  
3 land and maritime borders of the United States and  
4 shall operate and be located in a place or region de-  
5 termined by the Secretary.

6 “(2) JOINT TASK FORCE–WEST.—Joint Task  
7 Force–West shall, at the direction of the Secretary  
8 and in coordination with Joint Task Force East,  
9 create and execute a strategic plan to secure the  
10 land and maritime borders of the United States and  
11 shall operate and be located in a place or region de-  
12 termined by the Secretary.

13 “(3) JOINT TASK FORCE–INVESTIGATIONS.—  
14 Joint Task Force–Investigations shall, at the direc-  
15 tion of the Secretary, be responsible for coordinating  
16 criminal investigations supporting Joint Task  
17 Force–West and Joint Task Force–East.

18 “(b) JOINT TASK FORCE DIRECTORS.—The Sec-  
19 retary shall appoint a Director to head each Joint Task  
20 Force. Each Director shall be senior official selected from  
21 a relevant component or office of the Department, rotating  
22 between relevant components and offices every two years.  
23 The Secretary may extend the appointment of a Director  
24 for up to two additional years, if the Secretary determines

1 that such an extension is in the best interest of the De-  
2 partment.

3 “(c) INITIAL APPOINTMENTS.—The Secretary shall  
4 make the following appointments to the following Joint  
5 Task Forces:

6 “(1) The initial Director of Joint Task Force—  
7 East shall be a senior officer of the Coast Guard.

8 “(2) The initial Director of Joint Task Force—  
9 West shall be a senior official of U.S. Customs and  
10 Border Protection.

11 “(3) The initial Director of Joint Task Force—  
12 Investigations shall be a senior official of U.S. Immi-  
13 gration and Customs Enforcement.

14 “(d) JOINT TASK FORCE DEPUTY DIRECTORS.—The  
15 Secretary shall appoint a Deputy Director for each Joint  
16 Task Force. The Deputy Director of a Joint Task Force  
17 shall, to the greatest extent practicable, be an official of  
18 a different component or office than the Director of each  
19 Joint Task Force.

20 “(e) RESPONSIBILITIES.—Each Joint Task Force Di-  
21 rector shall—

22 “(1) identify and prioritize border and maritime  
23 security threats to the homeland;

1           “(2) maintain situational awareness within  
2 their areas of responsibility, as determined by the  
3 Secretary;

4           “(3) provide operational plans and requirements  
5 for standard operating procedures and contingency  
6 operations;

7           “(4) plan and execute joint task force activities  
8 within their areas of responsibility, as determined by  
9 the Secretary;

10          “(5) set and accomplish strategic objectives  
11 through integrated operational planning and execu-  
12 tion;

13          “(6) exercise operational direction over per-  
14 sonnel and equipment from Department components  
15 and offices allocated to the respective Joint Task  
16 Force to accomplish task force objectives;

17          “(7) establish operational and investigative pri-  
18 orities within the Director’s operating areas;

19          “(8) coordinate with foreign governments and  
20 other Federal, State, and local agencies, where ap-  
21 propriate, to carry out the mission of the Director’s  
22 Joint Task Force;

23          “(9) identify and provide to the Secretary the  
24 joint mission requirements necessary to secure the  
25 land and maritime borders of the United States; and

1           “(10) carry out other duties and powers the  
2           Secretary determines appropriate.

3           “(f) PERSONNEL AND RESOURCES OF JOINT TASK  
4           FORCES.—

5           “(1) IN GENERAL.—The Secretary may, upon  
6           request of the Director of a Joint Task Force, allo-  
7           cate on a temporary basis component and office per-  
8           sonnel and equipment to the requesting Joint Task  
9           Force, with appropriate consideration of risk given  
10          to the other primary missions of the Department.

11          “(2) CONSIDERATION OF IMPACT.—When re-  
12          viewing requests for allocation of component per-  
13          sonnel and equipment under paragraph (1), the Sec-  
14          retary shall consider the impact of such allocation on  
15          the ability of the donating component to carry out  
16          the primary missions of the Department, and in the  
17          case of the Coast Guard, the missions specified in  
18          section 888.

19          “(3) LIMITATION.—Personnel and equipment of  
20          the Coast Guard allocated under this subsection may  
21          only be used to carry out operations and investiga-  
22          tions related to securing the maritime borders of the  
23          United States.

24          “(g) COMPONENT RESOURCE AUTHORITY.—As di-  
25          rected by the Secretary—

1           “(1) each Director of a Joint Task Force shall  
2           be provided sufficient resources from relevant com-  
3           ponents and offices of the Department and the au-  
4           thority necessary to carry out the missions and re-  
5           sponsibilities required under this section;

6           “(2) the resources referred to in paragraph (1)  
7           shall be under the operational authority, direction,  
8           and control of the Director of the Joint Task Force  
9           to which such resources were assigned; and

10           “(3) the personnel and equipment of the Joint  
11           Task Forces shall remain under the administrative  
12           direction of its primary component or office.

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

18           “(i) ESTABLISHMENT OF PERFORMANCE  
19           METRICS.—The Secretary shall—

20           “(1) establish performance metrics to evaluate  
21           the effectiveness of the Joint Task Forces in secur-  
22           ing the land and maritime borders of the United  
23           States;

24           “(2) submit such metrics to the Committee on  
25           Homeland Security of the House of Representatives

1 and the Committee on Homeland Security and Gov-  
2 ernmental Affairs of the Senate, and in the case of  
3 metrics related to securing the maritime borders of  
4 the United States, additionally to the Committee on  
5 Transportation and Infrastructure of the House of  
6 Representatives, by the date that is not later than  
7 120 days after the date of the enactment of this sec-  
8 tion; and

9 “(3) submit to such Committees—

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

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

15 “(j) JOINT DUTY TRAINING PROGRAM.—

16 “(1) IN GENERAL.—The Secretary shall estab-  
17 lish a Department joint duty training program for  
18 the purposes of enhancing departmental unity of ef-  
19 forts and promoting workforce professional develop-  
20 ment. Such training shall be tailored to improve  
21 joint operations as part of the Joint Task Forces es-  
22 tablished under subsection (a).

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

1           “(A) National strategy.

2           “(B) Strategic and contingency planning.

3           “(C) Command and control of operations  
4 under joint command.

5           “(D) International engagement.

6           “(E) The Homeland Security Enterprise.

7           “(F) Border security.

8           “(G) Interagency collaboration.

9           “(H) Leadership.

10           “(3) OFFICERS AND OFFICIALS.—The joint  
11 duty training program established under paragraph  
12 (1) shall consist of—

13           “(A) one course intended for mid-level offi-  
14 cers and officials of the Department assigned to  
15 or working with the Joint Task Forces, and

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

19 to ensure a systematic, progressive, and career-long  
20 development of such officers and officials in coordi-  
21 nating and executing Department-wide joint plan-  
22 ning and operations.

23           “(4) TRAINING REQUIRED.—

24           “(A) DIRECTORS AND DEPUTY DIREC-  
25 TORS.—Except as provided in subparagraph

1 (C), each Joint Task Force Director and Dep-  
2 uty Director of a Joint Task Force shall com-  
3 plete relevant parts of the joint duty training  
4 program under this subsection prior to assign-  
5 ment to a Joint Task Force.

6 “(B) JOINT TASK FORCE STAFF.—All sen-  
7 ior and mid-level officers and officials serving  
8 on the staff of a Joint Task Force shall com-  
9 plete relevant parts of the joint duty training  
10 program under this subsection within the first  
11 year of assignment to a Joint Task Force.

12 “(C) EXCEPTION.—Subparagraph (A) does  
13 not apply in the case of the initial Directors  
14 and Deputy Directors of a Joint Task Force.

15 “(k) ESTABLISHING ADDITIONAL JOINT TASK  
16 FORCES.—The Secretary may establish additional Joint  
17 Task Forces for the purposes of—

18 “(1) coordinating operations along the northern  
19 border of the United States;

20 “(2) homeland security crises, subject to sub-  
21 section (l);

22 “(3) establishing other regionally-based oper-  
23 ations; or

24 “(4) cybersecurity.

1       “(1) LIMITATION ON ADDITIONAL JOINT TASK  
2 FORCES.—

3           “(1) IN GENERAL.—The Secretary may not es-  
4 tablish a Joint Task Force for any major disaster or  
5 emergency declared under the Robert T. Stafford  
6 Disaster Relief and Emergency Assistance Act (42  
7 U.S.C. 5121 et seq.) or an incident for which the  
8 Federal Emergency Management Agency has pri-  
9 mary responsibility for management of the response  
10 under title V of this Act, including section  
11 504(a)(3)(A), unless the responsibilities of the Joint  
12 Task Force—

13           “(A) do not include operational functions  
14 related to incident management, including co-  
15 ordination of operations; and

16           “(B) are consistent with the requirements  
17 of sections 509(c), 503(c)(3), and 503(c)(4)(A)  
18 of this Act and section 302 of the Robert T.  
19 Stafford Disaster Relief and Emergency Assist-  
20 ance Act (42 U.S.C. 5143).

21       “(2) RESPONSIBILITIES AND FUNCTIONS NOT  
22 REDUCED.—Nothing in this section reduces the re-  
23 sponsibilities or functions of the Federal Emergency  
24 Management Agency or the Administrator of the  
25 Federal Emergency Management Agency under title

1 V of this Act, provisions of law enacted by the Post-  
2 Katrina Emergency Management Reform Act of  
3 2006 (Public Law 109–295), and other laws, includ-  
4 ing the diversion of any asset, function, or mission  
5 from the Federal Emergency Management Agency  
6 or the Administrator of the Federal Emergency  
7 Management Agency pursuant to section 506.

8 “(m) NOTIFICATION.—

9 “(1) IN GENERAL.—The Secretary shall submit  
10 a notification to the Committee on Homeland Secu-  
11 rity of the House of Representatives and the Com-  
12 mittee on Homeland Security and Governmental Af-  
13 fairs of the Senate, and in the case of a Joint Task  
14 Force in which the Coast Guard will participate or  
15 a Joint Task Force established under paragraph (2)  
16 or (3) of subsection (k) to the Committee on Trans-  
17 portation and Infrastructure of the House of Rep-  
18 resentatives, 90 days prior to the establishment of  
19 the Joint Task Force.

20 “(2) WAIVER AUTHORITY.—The Secretary may  
21 waive the requirement of paragraph (1) in the event  
22 of an emergency circumstance that imminently  
23 threatens the protection of human life or the protec-  
24 tion of property.

25 “(n) REVIEW.—

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

4           “(2) CONTENTS.—The review required under  
5 paragraph (1) shall include an assessment of the ef-  
6 fectiveness of the Joint Task Force structure in se-  
7 curing the land and maritime borders of the United  
8 States, together with recommendations for enhance-  
9 ments to such structure to further strengthen border  
10 security.

11           “(3) SUBMISSION.—The Inspector General of  
12 the Department shall submit to the Committee on  
13 Homeland Security and the Committee on Transpor-  
14 tation and Infrastructure of the House of Represent-  
15 atives and the Committee on Homeland Security and  
16 Governmental Affairs of the Senate a report that  
17 contains the review required under paragraph (1) by  
18 not later than January 31, 2018.

19           “(o) DEFINITION.—In this section, the term ‘situa-  
20 tional awareness’ means a knowledge and unified under-  
21 standing of unlawful cross-border activity, including  
22 threats and trends concerning illicit trafficking and unlaw-  
23 ful crossings, and the ability to forecast future shifts in  
24 such threats and trends, the ability to evaluate such  
25 threats and trends at a level sufficient to create actionable

1 plans, and the operational capability to conduct contin-  
2 uous and integrated surveillance of the land and maritime  
3 borders of the United States.

4 “(p) SUNSET.—This section expires on September  
5 30, 2018.

6 **“SEC. 435. UPDATES OF MARITIME OPERATIONS COORDI-**  
7 **NATION PLAN.**

8 “(a) IN GENERAL.—Not later than 180 days after  
9 the enactment of this section, the Secretary shall submit  
10 to the Committee on Homeland Security and the Com-  
11 mittee on Transportation and Infrastructure of the House  
12 of Representatives and the Committee on Homeland Secu-  
13 rity and Governmental Affairs of the Senate a maritime  
14 operations coordination plan for the coordination and co-  
15 operation of maritime operations undertaken by compo-  
16 nents and offices of the Department with responsibility for  
17 maritime security missions. Such plan shall update the  
18 maritime operations coordination plan released by the De-  
19 partment in July 2011, and shall address the following:

20 “(1) Coordination of planning, integration of  
21 maritime operations, and development of joint mari-  
22 time domain awareness efforts of any component or  
23 office of the Department with responsibility for mar-  
24 itime homeland security missions.

1           “(2) Maintaining effective information sharing  
2 and, as appropriate, intelligence integration, with  
3 Federal, State, and local officials and the private  
4 sector, regarding threats to maritime security.

5           “(3) Leveraging existing departmental coordi-  
6 nation mechanisms, including the interagency oper-  
7 ational centers as authorized under section 70107A  
8 of title 46, United States Code, Coast Guard’s Re-  
9 gional Coordinating Mechanisms, the U.S. Customs  
10 and Border Protection Air and Marine Operations  
11 Center, the U.S. Customs and Border Protection  
12 Operational Integration Center, and other regional  
13 maritime operational command centers.

14           “(4) Cooperation and coordination with other  
15 departments and agencies of the Federal Govern-  
16 ment, and State and local agencies, in the maritime  
17 environment, in support of maritime homeland secu-  
18 rity missions.

19           “(5) Work conducted within the context of  
20 other national and Department maritime security  
21 strategic guidance.

22           “(b) ADDITIONAL UPDATES.—Not later than July 1,  
23 2020, the Secretary, acting through the Department’s Of-  
24 fice of Operations Coordination and Planning, shall sub-  
25 mit to the Committee on Homeland Security and the Com-

1 mittee on Transportation and Infrastructure of the House  
 2 of Representatives and the Committee on Homeland Secu-  
 3 rity and Governmental Affairs of the Senate an update  
 4 to the maritime operations coordination plan required  
 5 under subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
 7 in section 1(b) of the Homeland Security Act of 2002 is  
 8 amended by adding after the item relating to section 433  
 9 the following new items:

“Sec. 434. Border Security Joint Task Forces.

“Sec. 435. Updates of maritime operations coordination plan.”.

10 **SEC. 4. PUBLIC-PRIVATE PARTNERSHIPS.**

11 (a) IN GENERAL.—Title IV of the Homeland Secu-  
 12 rity Act of 2002 (6 U.S.C. 201 et seq.) is amended by  
 13 adding at the end the following new subtitle:

14 **“Subtitle G—U.S. Customs and Bor-**  
 15 **der Protection Public Private**  
 16 **Partnerships**

17 **“SEC. 481. FEE AGREEMENTS FOR CERTAIN SERVICES AT**  
 18 **PORTS OF ENTRY.**

19 “(a) IN GENERAL.—Notwithstanding section  
 20 13031(e) of the Consolidated Omnibus Budget Reconcili-  
 21 ation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of  
 22 the Tariff Act of 1930 (19 U.S.C. 1451), the Commis-  
 23 sioner of U.S. Customs and Border Protection may, upon

1 the request of any entity, enter into a fee agreement with  
2 such entity under which—

3 “(1) U.S. Customs and Border Protection shall  
4 provide services described in subsection (c) at a  
5 United States port of entry or any other facility at  
6 which U.S. Customs and Border Protection provides  
7 or will provide such services;

8 “(2) such entity shall remit to U.S. Customs  
9 and Border Protection a fee imposed under sub-  
10 section (e) in an amount equal to the full costs that  
11 are incurred or will be incurred in providing such  
12 services; and

13 “(3) if space is provided by such entity, each  
14 facility at which U.S. Customs and Border Protec-  
15 tion services are performed shall be maintained and  
16 equipped by such entity, without cost to the Federal  
17 Government, in accordance with U.S. Customs and  
18 Border Protection specifications.

19 “(b) SERVICES DESCRIBED.—The services described  
20 in this section are any activities of any employee or con-  
21 tractor of U.S. Customs and Border Protection pertaining  
22 to, or in support of, customs, agricultural processing, bor-  
23 der security, or immigration inspection-related matters at  
24 a port of entry or any other facility at which U.S. Customs  
25 and Border Protection provides or will provide services.

1 “(c) LIMITATIONS.—

2 “(1) IMPACTS OF SERVICES.—The Commis-  
3 sioner of U.S. Customs and Border Protection—

4 “(A) may enter into fee agreements under  
5 this section only for services that will increase  
6 or enhance the operational capacity of U.S.  
7 Customs and Border Protection based on avail-  
8 able staffing and workload and that will not  
9 shift the cost of services funded in any appro-  
10 priations Act, or provided from any account in  
11 the Treasury of the United States derived by  
12 the collection of fees, to entities under this Act;  
13 and

14 “(B) may not enter into a fee agreement  
15 under this section if such agreement would un-  
16 duly and permanently impact services funded in  
17 any appropriations Act, or provided from any  
18 account in the Treasury of the United States,  
19 derived by the collection of fees.

20 “(2) NUMBER.—There shall be no limit to the  
21 number of fee agreements that the Commissioner of  
22 U.S. Customs and Border Protection may enter into  
23 under this section.

24 “(d) FEE.—

1           “(1) IN GENERAL.—The amount of the fee to  
2           be charged pursuant to an agreement authorized  
3           under subsection (a) shall be paid by each entity re-  
4           questing U.S. Customs and Border Protection serv-  
5           ices, and shall be for the full cost of providing such  
6           services, including the salaries and expenses of em-  
7           ployees and contractors of U.S. Customs and Border  
8           Protection, to provide such services and other costs  
9           incurred by U.S. Customs and Border Protection re-  
10          lating to such services, such as temporary placement  
11          or permanent relocation of such employees and con-  
12          tractors.

13           “(2) TIMING.—The Commissioner of U.S. Cus-  
14          toms and Border Protection may require that the fee  
15          referred to in paragraph (1) be paid by each entity  
16          that has entered into a fee agreement under sub-  
17          section (a) with U.S. Customs and Border Protec-  
18          tion in advance of the performance of U.S. Customs  
19          and Border Protection services.

20           “(3) OVERSIGHT OF FEES.—The Commissioner  
21          of U.S. Customs and Border Protection shall develop  
22          a process to oversee the services for which fees are  
23          charged pursuant to an agreement under subsection  
24          (a), including the following:

1           “(A) A determination and report on the  
2           full costs of providing such services, as well as  
3           a process for increasing such fees, as necessary.

4           “(B) Establishment of a periodic remit-  
5           tance schedule to replenish appropriations, ac-  
6           counts, or funds, as necessary.

7           “(C) Identification of costs paid by such  
8           fees.

9           “(e) DEPOSIT OF FUNDS.—

10           “(1) ACCOUNT.—Funds collected pursuant to  
11           any agreement entered into under subsection (a)  
12           shall be deposited as offsetting collections, shall re-  
13           main available until expended without fiscal year  
14           limitation, and shall be credited to the applicable ap-  
15           propriation, account, or fund for the amount paid  
16           out of such appropriation, account, or fund for any  
17           expenses incurred or to be incurred by U.S. Customs  
18           and Border Protection in providing U.S. Customs  
19           and Border Protection services under any such  
20           agreement and any other costs incurred or to be in-  
21           curred by U.S. Customs and Border Protection re-  
22           lating to such services.

23           “(2) RETURN OF UNUSED FUNDS.—The Com-  
24           missioner of U.S. Customs and Border Protection  
25           shall return any unused funds collected and depos-

1       ited into the account described in paragraph (1) in  
2       the event that a fee agreement entered into under  
3       subsection (a) is terminated for any reason, or in the  
4       event that the terms of such fee agreement change  
5       by mutual agreement to cause a reduction of U.S.  
6       Customs and Border Protections services. No inter-  
7       est shall be owed upon the return of any such un-  
8       used funds.

9       “(f) TERMINATION.—

10           “(1) IN GENERAL.—The Commissioner of U.S.  
11       Customs and Border Protection shall terminate the  
12       provision of services pursuant to a fee agreement en-  
13       tered into under subsection (a) with an entity that,  
14       after receiving notice from the Commissioner that a  
15       fee under subsection (d) is due, fails to pay such fee  
16       in a timely manner. In the event of such termi-  
17       nation, all costs incurred by U.S. Customs and Bor-  
18       der Protection which have not been paid shall be-  
19       come immediately due and payable. Interest on un-  
20       paid fees shall accrue based on the rate and amount  
21       established under sections 6621 and 6622 of the In-  
22       ternal Revenue Code of 1986.

23           “(2) PENALTY.—Any entity that, after notice  
24       and demand for payment of any fee under sub-  
25       section (d), fails to pay such fee in a timely manner

1 shall be liable for a penalty or liquidated damage  
2 equal to two times the amount of such fee. Any such  
3 amount collected pursuant to this paragraph shall be  
4 deposited into the appropriate account specified  
5 under subsection (e) and shall be available as de-  
6 scribed in such subsection.

7 “(g) ANNUAL REPORT.—The Commissioner of U.S.  
8 Customs and Border Protection shall submit to the Com-  
9 mittee on Homeland Security, the Committee on Appro-  
10 priations, and the Committee on Ways and Means of the  
11 House of Representatives and the Committee on Home-  
12 land Security and Governmental Affairs, the Committee  
13 on Appropriations, and the Committee on Finance of the  
14 Senate an annual report identifying the activities under-  
15 taken and the agreements entered into pursuant to this  
16 section.

17 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion may be construed as imposing in any manner on U.S.  
19 Customs and Border Protection any responsibilities, du-  
20 ties, or authorities relating to real property.

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

22 “(a) PERSONAL PROPERTY DONATION AUTHOR-  
23 ITY.—

24 “(1) IN GENERAL.—The Commissioner of U.S.  
25 Customs and Border Protection, in consultation with

1 the Administrator of General Services, may enter  
2 into an agreement with any entity to accept a dona-  
3 tion of personal property, money, or nonpersonal  
4 services for uses described in paragraph (3) only  
5 with respect to the following locations at which U.S.  
6 Customs and Border Protection performs or will be  
7 performing inspection services:

8 “(A) A new or existing sea or air port of  
9 entry.

10 “(B) An existing Federal Government-  
11 owned land port of entry.

12 “(C) A new Federal Government-owned  
13 land port of entry if—

14 “(i) the fair market value of the dona-  
15 tion is \$50,000,000 or less; and

16 “(ii) the fair market value, including  
17 any personal and real property donations  
18 in total, of such port of entry when com-  
19 pleted, is \$50,000,000 or less.

20 “(2) LIMITATION ON MONETARY DONATIONS.—

21 Any monetary donation accepted pursuant to this  
22 subsection may not be used to pay the salaries of  
23 U.S. Customs and Border Protection employees per-  
24 forming inspection services.

1           “(3) USE.—Donations accepted pursuant to  
2 this subsection may be used for activities related to  
3 a new or existing sea or air port of entry or a new  
4 or existing Federal Government-owned land port of  
5 entry described in paragraph (1), including expenses  
6 related to—

7           “(A) furniture, fixtures, equipment, or  
8 technology, including installation or the deploy-  
9 ment thereof; and

10           “(B) operation and maintenance of such  
11 furniture, fixtures, equipment, or technology.

12           “(b) REAL PROPERTY DONATION AUTHORITY.—

13           “(1) IN GENERAL.—Subject to paragraph (3),  
14 the Commissioner of U.S. Customs and Border Pro-  
15 tection, and the Administrator of the General Serv-  
16 ices Administration, as applicable, may enter into an  
17 agreement with any entity to accept a donation of  
18 real property or money for uses described in para-  
19 graph (2) only with respect to the following locations  
20 at which U.S. Customs and Border Protection per-  
21 forms or will be performing inspection services:

22           “(A) A new or existing sea or air port of  
23 entry.

24           “(B) An existing Federal Government-  
25 owned land port of entry.

1           “(C) A new Federal Government-owned  
2 land port of entry if—

3           “(i) the fair market value of the dona-  
4 tion is \$50,000,000 or less; and

5           “(ii) the fair market value, including  
6 any personal and real property donations  
7 in total, of such port of entry when com-  
8 pleted, is \$50,000,000 or less.

9           “(2) USE.—Donations accepted pursuant to  
10 this subsection may be used for activities related to  
11 construction, alteration, operation, or maintenance  
12 of a new or existing sea or air port of entry or a new  
13 or existing a Federal Government-owned land port  
14 of entry described in paragraph (1), including ex-  
15 penses related to—

16           “(A) land acquisition, design, construction,  
17 repair, or alteration; and

18           “(B) operation and maintenance of such  
19 port of entry facility.

20           “(3) LIMITATION ON REAL PROPERTY DONA-  
21 TIONS.—A donation of real property under this sub-  
22 section at an existing land port of entry owned by  
23 the General Services Administration may only be ac-  
24 cepted by the Administrator of General Services.

25           “(4) SUNSET.—

1           “(A) IN GENERAL.—The authority to enter  
2           into an agreement under this subsection shall  
3           terminate on the date that is five years after  
4           the date of the enactment of this subsection.

5           “(B) RULE OF CONSTRUCTION.—The ter-  
6           mination date referred to in subparagraph (A)  
7           shall not apply to carrying out the terms of an  
8           agreement under this subsection if such agree-  
9           ment is entered into before such termination  
10          date.

11          “(c) GENERAL PROVISIONS.—

12           “(1) DURATION.—An agreement entered into  
13           under subsection (a) or (b) (and, in the case of such  
14           subsection (b), in accordance with paragraph (4) of  
15           such subsection) may last as long as required to  
16           meet the terms of such agreement.

17           “(2) CRITERIA.—In carrying out agreements  
18           entered into under subsection (a) or (b), the Com-  
19           missioner of U.S. Customs and Border Protection,  
20           in consultation with the Administrator of General  
21           Services, shall establish criteria that includes the fol-  
22           lowing:

23           “(A) Selection and evaluation of donors.

24           “(B) Identification of roles and responsibil-  
25           ities between U.S. Customs and Border Protec-

1           tion, the General Services Administration, as  
2           applicable, and donors.

3           “(C) Identification, allocation, and man-  
4           agement of explicit and implicit risks of  
5           partnering between the Federal Government  
6           and donors.

7           “(C) Decision-making and dispute resolu-  
8           tion processes.

9           “(D) Processes for U.S. Customs and Bor-  
10          der Protection, and the General Services Ad-  
11          ministration, as applicable, to terminate agree-  
12          ments if selected donors are not meeting the  
13          terms of any such agreement, including the se-  
14          curity standards established by U.S. Customs  
15          and Border Protection.

16          “(3) EVALUATION PROCEDURES.—

17                 “(A) IN GENERAL.—The Commissioner of  
18                 U.S. Customs and Border Protection, in con-  
19                 sultation with the Administrator of General  
20                 Services, as applicable, shall—

21                         “(i) establish criteria for evaluating a  
22                         proposal to enter into an agreement under  
23                         subsection (a) or (b); and

24                         “(ii) make such criteria publicly avail-  
25                         able.

1           “(B) CONSIDERATIONS.—Criteria estab-  
2           lished pursuant to subparagraph (A) shall con-  
3           sider the following:

4                   “(i) The impact of a proposal referred  
5                   to in such subparagraph on the land, sea,  
6                   or air port of entry at issue and other  
7                   ports of entry or similar facilities or other  
8                   infrastructure near the location of the pro-  
9                   posed donation.

10                   “(ii) Such proposal’s potential to in-  
11                   crease trade and travel efficiency through  
12                   added capacity.

13                   “(iii) Such proposal’s potential to en-  
14                   hance the security of the port of entry at  
15                   issue.

16                   “(iv) For a donation under subsection  
17                   (b)—

18                           “(I) whether such donation satis-  
19                           fies the requirements of such pro-  
20                           posal, or whether additional real prop-  
21                           erty would be required; and

22                           “(II) an explanation of how such  
23                           donation was acquired, including if  
24                           eminent domain was used.

1                   “(v) The funding available to complete  
2                   the intended use of such donation.

3                   “(iv) The costs of maintaining and  
4                   operating such donation.

5                   “(v) The impact of such proposal on  
6                   U.S. Customs and Border Protection staff-  
7                   ing requirements.

8                   “(vi) Other factors that the Commis-  
9                   sioner or Administrator determines to be  
10                  relevant.

11                  “(C) DETERMINATION AND NOTIFICA-  
12                  TION.—Not later than 180 days after receiving  
13                  a proposal to enter into an agreement under  
14                  subsection (a) or (b), the Commissioner of U.S.  
15                  Customs and Border Protection, with the con-  
16                  currence of the Administrator of General Serv-  
17                  ices, as applicable, shall make a determination  
18                  to deny or approve such proposal, and shall no-  
19                  tify the entity that submitted such proposal of  
20                  such determination.

21                  “(4) SUPPLEMENTAL FUNDING.—Except as re-  
22                  quired under section 3307 of title 40, United States  
23                  Code, for real property donations to the Adminis-  
24                  trator of General Services at a GSA-owned land port  
25                  of entry, donations made pursuant to subsection (a)

1 and (b) may be used in addition to any other fund-  
2 ing for such purpose, including appropriated funds,  
3 property, or services.

4 “(5) RETURN OF DONATIONS.—The Commis-  
5 sioner of U.S. Customs and Border Protection, or  
6 the Administrator of General Services, as applicable,  
7 may return any donation made pursuant to sub-  
8 section (a) or (b). No interest shall be owed to the  
9 donor with respect to any donation provided under  
10 such subsections that is returned pursuant to this  
11 subsection.

12 “(6) PROHIBITION ON CERTAIN FUNDING.—Ex-  
13 cept as provided in subsections (a) and (b) regarding  
14 the acceptance of donations, the Commissioner of  
15 U.S. Customs and Border Protection and the Ad-  
16 ministrator of General Services, as applicable, may  
17 not, with respect to an agreement entered into under  
18 either of such subsections, obligate or expend  
19 amounts in excess of amounts that have been appro-  
20 priated pursuant to any appropriations Act for pur-  
21 poses specified in either of such subsections or oth-  
22 erwise made available for any of such purposes.

23 “(7) ANNUAL REPORTS.—The Commissioner of  
24 U.S. Customs and Border Protection, in collabora-  
25 tion with the Administrator of General Services, as

1 applicable, shall submit to the Committee on Home-  
2 land Security, the Committee on Transportation and  
3 Infrastructure, and the Committee on Appropria-  
4 tions of the House of Representatives and the Com-  
5 mittee on Homeland Security and Governmental Af-  
6 fairs, the Committee on Environment and Public  
7 Works, and the Committee on Appropriations of the  
8 Senate an annual report identifying the activities  
9 undertaken and agreements entered into pursuant to  
10 subsections (a) and (b).

11 “(d) RULE OF CONSTRUCTION.—Except as otherwise  
12 provided in this section, nothing in this section may be  
13 construed as affecting in any manner the responsibilities,  
14 duties, or authorities of U.S. Customs and Border Protec-  
15 tion or the General Services Administration.

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

17 “Nothing in this subtitle may be construed as affect-  
18 ing in any manner—

19 “(1) any agreement entered into pursuant to  
20 section 560 of division D of the Consolidated and  
21 Further Continuing Appropriations Act, 2013 (Pub-  
22 lic Law 113–6) or section 559 of title V of division  
23 F of the Consolidated Appropriations Act, 2014 (6  
24 U.S.C. 211 note; Public Law 113–76), as in exist-  
25 ence on the day before the date of the enactment of

1 this subtitle, and any such agreement shall continue  
2 to have full force and effect on and after such date;  
3 or

4 “(2) a proposal accepted for consideration by  
5 U.S. Customs and Border Protection pursuant to  
6 such section 559, as in existence on the day before  
7 such date of enactment.

8 **“SEC. 484. DEFINITIONS.**

9 “In this subtitle:

10 “(1) DONOR.—The term ‘donor’ means any en-  
11 tity that is proposing to make a donation under this  
12 Act.

13 “(2) ENTITY.—The term ‘entity’ means any—

14 “(A) person;

15 “(B) partnership, corporation, trust, es-  
16 tate, cooperative, association, or any other orga-  
17 nized group of persons;

18 “(C) Federal, State or local government  
19 (including any subdivision, agency or instru-  
20 mentality thereof); or

21 “(D) any other private or governmental en-  
22 tity.”.

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

1 amended by adding at the end of the list of items relating  
 2 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.”.

3 (c) REPEALS.—Section 560 of division D of the Con-  
 4 solidated and Further Continuing Appropriations Act,  
 5 2013 (Public Law 113–6) and section 559 of title V of  
 6 division F of the Consolidated Appropriations Act, 2014  
 7 (6 U.S.C. 211 note; Public Law 113–76) are repealed.

8 **SEC. 5. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC**  
 9 **IDENTITY MANAGEMENT.**

10 (a) IN GENERAL.—Title VII of the Homeland Secu-  
 11 rity Act of 2002 (6 U.S.C. 341, et. seq.) is amended by  
 12 adding at the end the following new section:

13 **“SEC. 708. OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.**

14 “(a) ESTABLISHMENT.—The Office of Biometric  
 15 Identity Management is established within the Depart-  
 16 ment.

17 “(b) DIRECTOR.—

18 “(1) IN GENERAL.—The Office of Biometric  
 19 Identity Management shall be administered by the  
 20 Director of the Office of Biometric Identity Manage-  
 21 ment (in this section referred to as the ‘Director’)

1 who shall report to the Secretary, or to another offi-  
2 cial of the Department, as the Secretary may direct.

3 “(2) QUALIFICATIONS AND DUTIES.—The Di-  
4 rector shall—

5 “(A) have significant professional manage-  
6 ment experience, as well as experience in the  
7 field of biometrics and identity management;

8 “(B) lead the Department’s biometric iden-  
9 tity services to support anti-terrorism, counter-  
10 terrorism, border security, credentialing, na-  
11 tional security, and public safety and enable  
12 operational missions across the Department by  
13 matching, storing, sharing, and analyzing bio-  
14 metric data;

15 “(C) deliver biometric identity information  
16 and analysis capabilities to—

17 “(i) the Department and its compo-  
18 nents;

19 “(ii) appropriate Federal, State, local,  
20 and tribal agencies;

21 “(iii) appropriate foreign govern-  
22 ments; and

23 “(iv) appropriate private sector enti-  
24 ties;

1           “(D) support the law enforcement, public  
2 safety, national security, and homeland security  
3 missions of other Federal, State, local and trib-  
4 al agencies, as appropriate;

5           “(E) establish and manage the operation  
6 and maintenance of the Department’s sole bio-  
7 metric repository;

8           “(F) establish, manage, and operate Bio-  
9 metric Support Centers to provide biometric  
10 identification and verification analysis and serv-  
11 ices to the Department, appropriate Federal,  
12 State, local, and tribal agencies, appropriate  
13 foreign governments, and appropriate private  
14 sector entities;

15           “(G) in collaboration with the Undersecre-  
16 tary for Science and Technology, establish a  
17 Department-wide research and development  
18 program to support efforts in assessment, devel-  
19 opment, and exploration of biometric advance-  
20 ments and emerging technologies;

21           “(H) oversee Department-wide standards  
22 for biometric conformity, and work to make  
23 such standards Government-wide;

24           “(I) in coordination with the Department’s  
25 Office of Policy, and in consultation with rel-

1           evant component offices and headquarters of-  
2           fices, enter into data sharing agreements with  
3           appropriate Federal agencies to support immi-  
4           gration, law enforcement, national security, and  
5           public safety missions;

6           “(J) maximize interoperability with other  
7           Federal, State, local, and international biomet-  
8           ric systems, as appropriate; and

9           “(K) carry out the duties and powers pre-  
10          scribed by law or delegated by the Secretary.

11          “(c) DEPUTY DIRECTOR.—There shall be in the Of-  
12          fice of Biometric Identity Management a Deputy Director,  
13          who shall assist the Director in the management of the  
14          Office.

15          “(d) CHIEF TECHNOLOGY OFFICER.—

16                 “(1) IN GENERAL.—There shall be in the Office  
17          of Biometric Identity Management a Chief Tech-  
18          nology Officer.

19                 “(2) DUTIES.—The Chief Technology Officer  
20          shall—

21                         “(A) ensure compliance with policies, proc-  
22                         esses, standards, guidelines, and procedures re-  
23                         lated to information technology systems man-  
24                         agement, enterprise architecture, and data  
25                         management;

1           “(B) provide engineering and enterprise  
2 architecture guidance and direction to the Of-  
3 fice of Biometric Identity Management; and

4           “(C) leverage emerging biometric tech-  
5 nologies to recommend improvements to major  
6 enterprise applications, identify tools to opti-  
7 mize information technology systems perform-  
8 ance, and develop and promote joint technology  
9 solutions to improve services to enhance mission  
10 effectiveness.

11       “(e) OTHER AUTHORITIES.—

12           “(1) IN GENERAL.—The Director may establish  
13 such other offices within the Office of Biometric  
14 Identity Management as the Director determines  
15 necessary to carry out the missions, duties, func-  
16 tions, and authorities of the Office.

17           “(2) NOTIFICATION.—If the Director exercises  
18 the authority provided by paragraph (1), the Direc-  
19 tor shall notify the Committee on Homeland Secu-  
20 rity of the House of Representatives and the Com-  
21 mittee on Homeland Security and Governmental Af-  
22 fairs of the Senate not later than 30 days before ex-  
23 ercising such authority.”.

24       “(b) TRANSFER LIMITATION.—The Secretary of  
25 Homeland Security may not transfer the location or re-

1 porting structure of the Office of Biometric Identity Man-  
2 agement (established by section 708 of the Homeland Se-  
3 curity Act of 2002, as added by subsection (a) of this sec-  
4 tion) to any component of the Department of Homeland  
5 Security.

6 (c) CLERICAL AMENDMENT.—The table of contents  
7 in section 1(b) of the Homeland Security Act of 2002 is  
8 amended by adding after the item relating to section 707  
9 the following new item:

“Sec. 708. Office of Biometric Identity Management.”.

10 **SEC. 6. COST-BENEFIT ANALYSIS OF CO-LOCATING OPER-**  
11 **ATIONAL ENTITIES.**

12 (a) IN GENERAL.—For any location in which U.S.  
13 Customs and Border Protection’s Office of Air and Marine  
14 Operations is based within 45 miles of locations where any  
15 other Department of Homeland Security agency also oper-  
16 ates air and marine assets, the Secretary of Homeland Se-  
17 curity shall conduct a cost-benefit analysis to consider the  
18 potential cost of and savings derived from co-locating avia-  
19 tion and maritime operational assets of the respective  
20 agencies of the Department. In analyzing such potential  
21 cost savings achieved by sharing aviation and maritime fa-  
22 cilities, such analysis shall consider, at a minimum, the  
23 following factors:

24 (1) Potential enhanced cooperation derived  
25 from Department personnel being co-located.

1           (2) Potential costs of, and savings derived  
2 through, shared maintenance and logistics facilities  
3 and activities.

4           (3) Joint use of base and facility infrastructure,  
5 such as runways, hangars, control towers, operations  
6 centers, piers and docks, boathouses, and fuel de-  
7 pots.

8           (4) Potential operational costs of co-locating  
9 aviation and maritime assets and personnel.

10          (5) Short term moving costs required in order  
11 to co-locate facilities.

12          (6) Acquisition and infrastructure costs for en-  
13 larging current facilities, as needed.

14          (b) REPORT.—Not later than one year after the date  
15 of the enactment of this Act, the Secretary of Homeland  
16 Security shall submit to the Committee on Homeland Se-  
17 curity and the Committee on Transportation and Infra-  
18 structure of the House of Representatives and the Com-  
19 mittee on Homeland Security and Governmental Affairs  
20 of the Senate a report summarizing the results of the cost-  
21 benefit analysis required under subsection (a) and any  
22 planned actions based upon such results.

1 **SEC. 7. STRATEGIC PERSONNEL PLAN FOR U.S. CUSTOMS**  
2 **AND BORDER PROTECTION PERSONNEL DE-**  
3 **PLOYED ABROAD.**

4 (a) **IN GENERAL.**—Not later than 270 days of after  
5 the date of the enactment of this Act, the Commissioner  
6 of U.S. Customs and Border Protection shall provide to  
7 the Committee on Homeland Security of the House of  
8 Representatives and the Committee on Homeland Security  
9 and Governmental Affairs of the Senate a three year stra-  
10 tegic plan for deployment of U.S. Customs and Border  
11 Protection (in this section referred to as “CBP”) per-  
12 sonnel to locations outside the United States.

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

15 (1) A risk-based method for determining expan-  
16 sion of CBP international programs to new loca-  
17 tions, given resource constraints.

18 (2) A plan to ensure CBP personnel deployed at  
19 locations outside the United States have appropriate  
20 oversight and support to ensure performance in sup-  
21 port of program goals.

22 (3) Information on planned future deployments  
23 of CBP personnel for a three year period, together  
24 with corresponding information on locations for such  
25 deployments outside the United States.

1 (c) CONSIDERATIONS.—In preparing the plan re-  
2 quired under subsection (a), the Commissioner of U.S.  
3 Customs and Border Protection shall consider, and in-  
4 clude information on, the following:

5 (1) Existing CBP programs in operation out-  
6 side of the United States, together with specific in-  
7 formation on locations outside the United States in  
8 which each such program operates.

9 (2) The number of CBP personnel deployed at  
10 each location outside the United States during the  
11 preceding fiscal year.

12 **SEC. 8. THREAT ASSESSMENT FOR UNITED STATES-BOUND**  
13 **INTERNATIONAL MAIL.**

14 Not later than 180 days after the date of the enact-  
15 ment of this Act, the Commissioner of U.S. Customs and  
16 Border Protection shall submit to the Committee on  
17 Homeland Security of the House of Representatives and  
18 the Committee on Homeland Security and Governmental  
19 Affairs of the Senate an assessment of the security threats  
20 posed by United States-bound international mail.

21 **SEC. 9. EVALUATION OF COAST GUARD DEPLOYABLE SPE-**  
22 **CIALIZED FORCES.**

23 (a) IN GENERAL.—Not later than one year after the  
24 date of the enactment of this Act, the Comptroller General  
25 of the United States shall submit to the Committee on

1 Homeland Security and the Committee on Transportation  
2 and Infrastructure of the House of Representatives and  
3 the Committee on Homeland Security and Governmental  
4 Affairs and the Committee on Commerce, Science, and  
5 Transportation of the Senate a report that describes and  
6 assesses the state of the Coast Guard’s Deployable Spe-  
7 cialized Forces (in this section referred to as the “DSF”).  
8 Such report shall include, at a minimum, the following ele-  
9 ments:

10 (1) For each of the past three fiscal years, and  
11 for each type of DSF, the following:

12 (A) A cost analysis, including training, op-  
13 erating, and travel costs.

14 (B) The number of personnel assigned.

15 (C) The total number of units.

16 (D) The total number of operations con-  
17 ducted.

18 (E) The number of operations requested by  
19 each of the following:

20 (i) The Coast Guard.

21 (ii) Other components or offices of the  
22 Department of Homeland Security.

23 (iii) Other Federal departments or  
24 agencies.

25 (iv) State agencies.

1 (v) Local agencies.

2 (F) The number of operations fulfilled by  
3 the entities specified in subparagraph (E).

4 (2) Mission impact, feasibility, and cost, includ-  
5 ing potential cost savings, of locating DSF capabili-  
6 ties, including the following scenarios:

7 (A) Combining DSFs, primarily focused on  
8 counterdrug operations, under one centralized  
9 command.

10 (B) Distributing counter-terrorism and  
11 anti-terrorism capabilities to DSFs in each  
12 major United States port.

13 (b) DEPLOYABLE SPECIALIZED FORCE DEFINED.—  
14 In this section, the term “Deployable Specialized Force”  
15 means a unit of the Coast Guard that serves as a quick  
16 reaction force designed to be deployed to handle counter-  
17 drug, counter-terrorism, and anti-terrorism operations or  
18 other maritime threats to the United States.

19 **SEC. 10. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**  
20 **RORISM IMPROVEMENT.**

21 (a) C-TPAT EXPORTERS.—Section 212 of the Secu-  
22 rity and Accountability for Every Port Act of 2006 (6  
23 U.S.C. 962) is amended by inserting “exporters,” after  
24 “Importers,”.

1 (b) RECOGNITION OF OTHER COUNTRIES' TRUSTED  
2 SHIPPER PROGRAMS.—

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

6 **“SEC. 218. RECOGNITION OF OTHER COUNTRIES' TRUSTED**  
7 **SHIPPER PROGRAMS.**

8 “Not later than 30 days before signing an arrange-  
9 ment between the United States and a foreign government  
10 providing for mutual recognition of supply chain security  
11 practices which might result in the utilization of benefits  
12 described in section 214, 215, or 216, the Secretary  
13 shall—

14 “(1) notify the appropriate congressional com-  
15 mittees of the proposed terms of such arrangement;  
16 and

17 “(2) determine, in consultation with the Com-  
18 missioner, that such foreign government's supply  
19 chain security program provides comparable security  
20 as that provided by C-TPAT.”.

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents in section 1(b) of the Security and Account-  
23 ability for Every Port Act of 2006 is amended by  
24 amending the item relating to section 218 to read as  
25 follows:

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

1 **SEC. 11. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**  
2 **THE INTERNATIONAL SUPPLY CHAIN.**

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

6 “(2) UPDATES.—Not later than 270 days after  
7 the date of the enactment of this paragraph and  
8 every three years thereafter, the Secretary shall sub-  
9 mit to the appropriate congressional committees a  
10 report that contains an update of the strategic plan  
11 described in paragraph (1).”.

12 **SEC. 12. CONTAINER SECURITY INITIATIVE.**

13 Subsection (l) of section 205 of the Security and Ac-  
14 countability for Every Port Act of 2006 (6 U.S.C. 945)  
15 is amended—

16 (1) by striking “(1) IN GENERAL.—Not later  
17 than September 30, 2007,” and inserting “Not later  
18 than 270 days after the date of the enactment of the  
19 Border and Maritime Security Coordination Im-  
20 provement Act,”;

21 (2) by redesignating subparagraphs (A) through  
22 (H) as paragraphs (1) through (8), respectively (and  
23 by moving the margins of such paragraphs 2 ems to  
24 the left); and

25 (3) by striking paragraph (2).

1 **SEC. 13. TRANSPORTATION WORKER IDENTIFICATION CRE-**  
2 **DENTIAL WAIVER AND APPEALS PROCESS.**

3 (a) IN GENERAL.—Section 70105 of title 46, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 “(r) SECURING THE TRANSPORTATION WORKER  
7 IDENTIFICATION CREDENTIAL AGAINST USE BY UNAU-  
8 THORIZED ALIENS.—

9 “(1) IN GENERAL.—The Secretary, acting  
10 through the Administrator of the Transportation Se-  
11 curity Administration, shall seek to strengthen the  
12 integrity of transportation security cards issued  
13 under this section against improper access by an in-  
14 dividual who is not lawfully present in the United  
15 States.

16 “(2) COMPONENTS.—In carrying out subsection  
17 (a), the Administrator of the Transportation Secu-  
18 rity Administration shall—

19 “(A) publish a list of documents that will  
20 identify non-United States citizen transpor-  
21 tation security card applicants and verify the  
22 immigration statuses of such applicants by re-  
23 quiring each such applicant to produce a docu-  
24 ment or documents that demonstrate—

25 “(i) identity; and

1                   “(ii) proof of lawful presence in the  
2                   United States; and

3                   “(B) enhance training requirements to en-  
4                   sure that trusted agents at transportation secu-  
5                   rity card enrollment centers receive training to  
6                   identify fraudulent documents.

7                   “(3) EXPIRATION.—A transportation security  
8                   card issued under this section expires on the date of  
9                   its expiration or on the date on which the individual  
10                  to whom such card is issued is no longer lawfully en-  
11                  titled to be present in the United States, whichever  
12                  is earlier.”.

13                  (b) REPORT.—Not later than 90 days after the date  
14                  of the enactment of this Act, the Secretary of Homeland  
15                  Security shall provide to the Committee on Homeland Se-  
16                  curity of the House of Representatives and the Committee  
17                  on Commerce, Science, and Transportation of the Senate  
18                  information on the following:

19                   (1) The average time for the completion of an  
20                   appeal under the appeals process established pursu-  
21                   ant to paragraph (4) of subsection (c) of section  
22                   70105 of title 46, United States Code.

23                   (2) The most common reasons for any delays at  
24                   each step in such process.

1           (3) Recommendations on how to resolve any  
2           such delays as expeditiously as possible.

3 **SEC. 14. REPEALS.**

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

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

9           (2) Subsection (c) of section 108.

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

12           (4) Section 122 (6 U.S.C. 922) (and the item  
13 relating to such section in the table of contents of  
14 such Act).

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

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

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

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

1           (9) Section 708 (and the item relating to such  
2 section in the table of contents of such Act).

Passed the House of Representatives April 13, 2016.

Attest:

*Clerk.*



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

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# H. R. 3586

## AN ACT

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.