

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1415

BORDER AND MARITIME COORDINATION IMPROVEMENT ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3586) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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.

SEC. 2. U.S. CUSTOMS AND BORDER PROTECTION COORDINATION.

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

“SEC. 420. IMMIGRATION COOPERATION PROGRAM.

“(a) IN GENERAL.—There is established within U.S. Customs and Border Protection a program to be known as the Immigration Co-

operation Program. Under the Program, U.S. Customs and Border Protection officers, pursuant to an arrangement with the government of a foreign country, may cooperate with authorities of that government, air carriers, and security employees at airports located in that country, to identify persons who may be inadmissible to the United States or otherwise pose a risk to border security.

“(b) ACTIVITIES.—In carrying out the program, U.S. Customs and Border Protection officers posted in a foreign country under subsection (a) may—

“(1) be stationed at airports in that country, including for purposes of conducting risk assessments and enhancing border security;

“(2) assist authorities of that government, air carriers, and security employees with document examination and traveler security assessments;

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

“(4) exchange information with, and provide technical assistance, equipment, and training to, such authorities to facilitate risk assessments of travelers and appropriate enforcement activities related to such assessments;

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

“(6) conduct other activities, as appropriate, to protect the international borders of the United States and facilitate the enforcement of United States laws, as directed by the Commissioner of U.S. Customs and Border Protection.

“SEC. 420A. AIR CARGO ADVANCE SCREENING.

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

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

“(A) establish a program for the collection by U.S. Customs and Border Protection of advance electronic information from air carriers and other persons and governments within the supply chain regarding cargo being transported to the United States by air; and

“(B) under such program, require that such information be transmitted by such persons and governments at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States; and

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

“SEC. 420B. U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF AIR AND MARINE OPERATIONS ASSET DEPLOYMENT.

“(a) IN GENERAL.—Any deployment of new assets by U.S. Customs and Border Protection’s Office of Air and Marine Operations following the date of the enactment of this section, shall, to the greatest extent practicable, occur in accordance with a risk-based assessment that considers mission needs, validated requirements, performance results, threats, costs, and any other relevant factors identified by the Commissioner of U.S. Customs and Border Protection. Specific factors to be included in such assessment shall include, at a minimum, the following:

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

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

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

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

“(b) CONSIDERATIONS.—An assessment required under subsection (a) shall consider applicable Federal guidance, standards, and agency strategic and performance plans, including the following:

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

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

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

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

“(5) Applicable aviation guidance from the Department, including the DHS Aviation Concept of Operations.

“(6) Other strategic and acquisition guidance promulgated by the Federal Government as the Secretary determines appropriate.

“(c) AUDIT AND REPORT.—The Inspector General of the Department shall biennially audit the deployment of new assets by U.S. Customs and Border Protection’s Office of Air and Marine Operations and 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 compliance of the Department with the requirements of this section.

“(d) MARINE INTERDICTION STATIONS.—Not later than 180 days after the date of the enactment of this section, the Commissioner of U.S. Customs and Border Protection 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 identification of facilities owned by the Federal Government in strategic locations along the maritime border of California that may be suitable for establishing additional Office of Air and Marine Operations marine interdiction stations.

“SEC. 420C. INTEGRATED BORDER ENFORCEMENT TEAMS.

“(a) ESTABLISHMENT.—The Secretary shall establish within the Department a program to be known as the Integrated Border Enforcement Team program (referred to in this section as ‘IBET’).

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

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

“(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security;

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

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

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

“(c) COMPOSITION AND LOCATION OF IBETs.—

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

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

“(B) U.S. Immigration and Customs Enforcement, led by Homeland Security Investigations.

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

“(D) Other Department personnel, as appropriate.

“(E) Other Federal departments and agencies, as appropriate.

“(F) Appropriate State law enforcement agencies.

“(G) Foreign law enforcement partners.

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

“(I) Appropriate tribal law enforcement agencies.

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

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

“(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET.

“(C) Whether, in accordance with paragraph (3), other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border programs such as the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

“(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new IBET or to expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

“(d) OPERATION.—

“(1) IN GENERAL.—After determining the regions in which to establish IBETs, the Secretary may—

“(A) direct the assignment of Federal personnel to such IBETs; and

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

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

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

“(f) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (c)(1) necessary to carry out the IBET program.

“(g) REPORT.—Not later than 180 days after the date on which an IBET is established and biannually thereafter for the following six years, the Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, additionally to the Committee on Transportation and Infrastructure of the House of Representatives, a report that—

“(1) describes the effectiveness of IBETs in fulfilling the purposes specified in subsection (b);

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

“(3) addresses ways to support joint training for IBET stakeholder agencies and radio interoperability to allow for secure cross-border radio communications; and

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

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

(c) DEADLINE FOR AIR CARGO ADVANCE SCREENING.—The Commissioner of U.S. Customs and Border Protection shall implement section 420A of the Homeland Security Act of 2002, as added by this section, by not later than one year after the date of the enactment of this Act.

SEC. 3. BORDER AND MARITIME SECURITY EFFICIENCIES.

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

“SEC. 434. BORDER SECURITY JOINT TASK FORCES.

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

“(1) JOINT TASK FORCE—EAST.—Joint Task Force—East shall, at the direction of the Secretary and in coordination with Joint Task Force West, create and execute a strategic plan to secure the land and maritime borders of the United States and shall operate and be located in a place or region determined by the Secretary.

“(2) JOINT TASK FORCE—WEST.—Joint Task Force—West shall, at the direction of the Secretary and in coordination with Joint Task Force East, create and execute a strategic plan to secure the land and maritime borders of the United States and shall operate and be located in a place or region determined by the Secretary.

“(3) JOINT TASK FORCE—INVESTIGATIONS.—Joint Task Force—Investigations shall, at the direction of the Secretary, be responsible for coordinating criminal investigations sup-

porting Joint Task Force—West and Joint Task Force—East.

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

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

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

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

“(3) The initial Director of Joint Task Force—Investigations shall be a senior official of U.S. Immigration and Customs Enforcement.

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

“(e) RESPONSIBILITIES.—Each Joint Task Force Director shall—

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

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

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

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

“(5) set and accomplish strategic objectives through integrated operational planning and execution;

“(6) exercise operational direction over personnel and equipment from Department components and offices allocated to the respective Joint Task Force to accomplish task force objectives;

“(7) establish operational and investigative priorities within the Director's operating areas;

“(8) coordinate with foreign governments and other Federal, State, and local agencies, where appropriate, to carry out the mission of the Director's Joint Task Force;

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

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

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

“(1) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, allocate on a temporary basis component and office personnel and equipment to the requesting Joint Task Force, with appropriate consideration of risk given to the other primary missions of the Department.

“(2) CONSIDERATION OF IMPACT.—When reviewing requests for allocation of component personnel and equipment under paragraph (1), the Secretary shall consider the impact of such allocation on the ability of the donating component to carry out the primary missions of the Department, and in the case of the Coast Guard, the missions specified in section 888.

“(3) LIMITATION.—Personnel and equipment of the Coast Guard allocated under this subsection may only be used to carry out operations and investigations related to securing the maritime borders of the United States.

“(g) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

“(1) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities required under this section;

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

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

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

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

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

“(2) submit such metrics to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of metrics related to securing the maritime borders of the United States, additionally to the Committee on Transportation and Infrastructure of the House of Representatives, by the date that is not later than 120 days after the date of the enactment of this section; and

“(3) submit to such Committees—

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

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

“(j) JOINT DUTY TRAINING PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a Department joint duty training program for the purposes of enhancing departmental unity of efforts and promoting workforce professional development. Such training shall be tailored to improve joint operations as part of the Joint Task Forces established under subsection (a).

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

“(A) National strategy.

“(B) Strategic and contingency planning.

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

“(D) International engagement.

“(E) The Homeland Security Enterprise.

“(F) Border security.

“(G) Interagency collaboration.

“(H) Leadership.

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

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

“(B) one course intended for senior officers and officials of the Department assigned to or working with the Joint Task Forces, to ensure a systematic, progressive, and career-long development of such officers and officials in coordinating and executing De-

partment-wide joint planning and operations.

“(4) TRAINING REQUIRED.—

“(A) DIRECTORS AND DEPUTY DIRECTORS.—Except as provided in subparagraph (C), each Joint Task Force Director and Deputy Director of a Joint Task Force shall complete relevant parts of the joint duty training program under this subsection prior to assignment to a Joint Task Force.

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

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

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

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

“(2) homeland security crises, subject to subsection (l);

“(3) establishing other regionally-based operations; or

“(4) cybersecurity.

“(l) LIMITATION ON ADDITIONAL JOINT TASK FORCES.—

“(1) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of the Joint Task Force—

“(A) do not include operational functions related to incident management, including coordination of operations; and

“(B) are consistent with the requirements of sections 509(c), 503(c)(3), and 503(c)(4)(A) of this Act and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

“(2) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section reduces the responsibilities or functions of the Federal Emergency Management Agency or the Administrator of the Federal Emergency Management Agency under title V of this Act, provisions of law enacted by the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295), and other laws, including the diversion of any asset, function, or mission from the Federal Emergency Management Agency or the Administrator of the Federal Emergency Management Agency pursuant to section 506.

“(m) NOTIFICATION.—

“(1) IN GENERAL.—The Secretary shall submit a notification to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of a Joint Task Force in which the Coast Guard will participate or a Joint Task Force established under paragraph (2) or (3) of subsection (k) to the Committee on Transportation and Infrastructure of the House of Representatives, 90 days prior to the establishment of the Joint Task Force.

“(2) WAIVER AUTHORITY.—The Secretary may waive the requirement of paragraph (1) in the event of an emergency circumstance that imminently threatens the protection of human life or the protection of property.

“(n) REVIEW.—

“(1) IN GENERAL.—The Inspector General of the Department shall conduct a review of the

Joint Task Forces established under this section.

“(2) CONTENTS.—The review required under paragraph (1) shall include an assessment of the effectiveness of the Joint Task Force structure in securing the land and maritime borders of the United States, together with recommendations for enhancements to such structure to further strengthen border security.

“(3) SUBMISSION.—The Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the review required under paragraph (1) by not later than January 31, 2018.

“(o) DEFINITION.—In this section, the term ‘situational awareness’ means a knowledge and unified understanding of unlawful cross-border activity, including threats and trends concerning illicit trafficking and unlawful crossings, and the ability to forecast future shifts in such threats and trends, the ability to evaluate such threats and trends at a level sufficient to create actionable plans, and the operational capability to conduct continuous and integrated surveillance of the land and maritime borders of the United States.

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

“SEC. 435. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.

“(a) IN GENERAL.—Not later than 180 days after the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a maritime operations coordination plan for the coordination and cooperation of maritime operations undertaken by components and offices of the Department with responsibility for maritime security missions. Such plan shall update the maritime operations coordination plan released by the Department in July 2011, and shall address the following:

“(1) Coordination of planning, integration of maritime operations, and development of joint maritime domain awareness efforts of any component or office of the Department with responsibility for maritime homeland security missions.

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

“(3) Leveraging existing departmental coordination mechanisms, including the interagency operational centers as authorized under section 70107A of title 46, United States Code, Coast Guard’s Regional Coordinating Mechanisms, the U.S. Customs and Border Protection Air and Marine Operations Center, the U.S. Customs and Border Protection Operational Integration Center, and other regional maritime operational command centers.

“(4) Cooperation and coordination with other departments and agencies of the Federal Government, and State and local agencies, in the maritime environment, in support of maritime homeland security missions.

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

“(b) ADDITIONAL UPDATES.—Not later than July 1, 2020, the Secretary, acting through the Department’s Office of Operations Coordination and Planning, shall submit to the Committee on Homeland Security and the

Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an update to the maritime operations coordination plan required under subsection (a).”.

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

“Sec. 434. Border Security Joint Task Forces.

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

SEC. 4. PUBLIC-PRIVATE PARTNERSHIPS.

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

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

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

“(a) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Commissioner of U.S. Customs and Border Protection may, upon the request of any entity, enter into a fee agreement with such entity under which—

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

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

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

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

“(c) LIMITATIONS.—

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

“(A) may enter into fee agreements under this section only for services that will increase or enhance the operational capacity of U.S. Customs and Border Protection based on available staffing and workload and that will not shift the cost of services funded in any appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees, to entities under this Act; and

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

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

“(d) FEE.—

“(1) IN GENERAL.—The amount of the fee to be charged pursuant to an agreement author-

ized under subsection (a) shall be paid by each entity requesting U.S. Customs and Border Protection services, and shall be for the full cost of providing such services, including the salaries and expenses of employees and contractors of U.S. Customs and Border Protection, to provide such services and other costs incurred by U.S. Customs and Border Protection relating to such services, such as temporary placement or permanent relocation of such employees and contractors.

“(2) TIMING.—The Commissioner of U.S. Customs and Border Protection may require that the fee referred to in paragraph (1) be paid by each entity that has entered into a fee agreement under subsection (a) with U.S. Customs and Border Protection in advance of the performance of U.S. Customs and Border Protection services.

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

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

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

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

“(e) DEPOSIT OF FUNDS.—

“(1) ACCOUNT.—Funds collected pursuant to any agreement entered into under subsection (a) shall be deposited as offsetting collections, shall remain available until expended without fiscal year limitation, and shall be credited to the applicable appropriation, account, or fund for the amount paid out of such appropriation, account, or fund for any expenses incurred or to be incurred by U.S. Customs and Border Protection in providing U.S. Customs and Border Protection services under any such agreement and any other costs incurred or to be incurred by U.S. Customs and Border Protection relating to such services.

“(2) RETURN OF UNUSED FUNDS.—The Commissioner of U.S. Customs and Border Protection shall return any unused funds collected and deposited into the account described in paragraph (1) in the event that a fee agreement entered into under subsection (a) is terminated for any reason, or in the event that the terms of such fee agreement change by mutual agreement to cause a reduction of U.S. Customs and Border Protection services. No interest shall be owed upon the return of any such unused funds.

“(f) TERMINATION.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall terminate the provision of services pursuant to a fee agreement entered into under subsection (a) with an entity that, after receiving notice from the Commissioner that a fee under subsection (d) is due, fails to pay such fee in a timely manner. In the event of such termination, all costs incurred by U.S. Customs and Border Protection which have not been paid shall become immediately due and payable. Interest on unpaid fees shall accrue based on the rate and amount established under sections 6621 and 6622 of the Internal Revenue Code of 1986.

“(2) PENALTY.—Any entity that, after notice and demand for payment of any fee under subsection (d), fails to pay such fee in a timely manner shall be liable for a penalty or liquidated damage equal to two times the amount of such fee. Any such amount collected pursuant to this paragraph shall be deposited into the appropriate account speci-

fied under subsection (e) and shall be available as described in such subsection.

“(g) ANNUAL REPORT.—The Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Committee on Finance of the Senate an annual report identifying the activities undertaken and the agreements entered into pursuant to this section.

“(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as imposing in any manner on U.S. Customs and Border Protection any responsibilities, duties, or authorities relating to real property.

“SEC. 482. PORT OF ENTRY DONATION AUTHORITY.

“(a) PERSONAL PROPERTY DONATION AUTHORITY.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, may enter into an agreement with any entity to accept a donation of personal property, money, or nonpersonal services for uses described in paragraph (3) only with respect to the following locations at which U.S. Customs and Border Protection performs or will be performing inspection services:

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

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

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

“(i) the fair market value of the donation is \$50,000,000 or less; and

“(ii) the fair market value, including any personal and real property donations in total, of such port of entry when completed, is \$50,000,000 or less.

“(2) LIMITATION ON MONETARY DONATIONS.—Any monetary donation accepted pursuant to this subsection may not be used to pay the salaries of U.S. Customs and Border Protection employees performing inspection services.

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

“(A) furniture, fixtures, equipment, or technology, including installation or the deployment thereof; and

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

“(b) REAL PROPERTY DONATION AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (3), the Commissioner of U.S. Customs and Border Protection, and the Administrator of the General Services Administration, as applicable, may enter into an agreement with any entity to accept a donation of real property or money for uses described in paragraph (2) only with respect to the following locations at which U.S. Customs and Border Protection performs or will be performing inspection services:

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

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

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

“(i) the fair market value of the donation is \$50,000,000 or less; and

“(ii) the fair market value, including any personal and real property donations in

total, of such port of entry when completed, is \$50,000,000 or less.

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

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

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

“(3) **LIMITATION ON REAL PROPERTY DONATIONS.**—A donation of real property under this subsection at an existing land port of entry owned by the General Services Administration may only be accepted by the Administrator of General Services.

“(4) **SUNSET.**—

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

“(B) **RULE OF CONSTRUCTION.**—The termination date referred to in subparagraph (A) shall not apply to carrying out the terms of an agreement under this subsection if such agreement is entered into before such termination date.

“(c) **GENERAL PROVISIONS.**—

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

“(2) **CRITERIA.**—In carrying out agreements entered into under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, shall establish criteria that includes the following:

“(A) Selection and evaluation of donors.

“(B) Identification of roles and responsibilities between U.S. Customs and Border Protection, the General Services Administration, as applicable, and donors.

“(C) Identification, allocation, and management of explicit and implicit risks of partnering between the Federal Government and donors.

“(C) Decision-making and dispute resolution processes.

“(D) Processes for U.S. Customs and Border Protection, and the General Services Administration, as applicable, to terminate agreements if selected donors are not meeting the terms of any such agreement, including the security standards established by U.S. Customs and Border Protection.

“(3) **EVALUATION PROCEDURES.**—

“(A) **IN GENERAL.**—The Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, as applicable, shall—

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

“(ii) make such criteria publicly available.

“(B) **CONSIDERATIONS.**—Criteria established pursuant to subparagraph (A) shall consider the following:

“(i) The impact of a proposal referred to in such subparagraph on the land, sea, or air port of entry at issue and other ports of entry or similar facilities or other infrastructure near the location of the proposed donation.

“(ii) Such proposal's potential to increase trade and travel efficiency through added capacity.

“(iii) Such proposal's potential to enhance the security of the port of entry at issue.

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

“(I) whether such donation satisfies the requirements of such proposal, or whether additional real property would be required; and

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

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

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

“(v) The impact of such proposal on U.S. Customs and Border Protection staffing requirements.

“(vi) Other factors that the Commissioner or Administrator determines to be relevant.

“(C) **DETERMINATION AND NOTIFICATION.**—Not later than 180 days after receiving a proposal to enter into an agreement under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection, with the concurrence of the Administrator of General Services, as applicable, shall make a determination to deny or approve such proposal, and shall notify the entity that submitted such proposal of such determination.

“(4) **SUPPLEMENTAL FUNDING.**—Except as required under section 3307 of title 40, United States Code, for real property donations to the Administrator of General Services at a GSA-owned land port of entry, donations made pursuant to subsection (a) and (b) may be used in addition to any other funding for such purpose, including appropriated funds, property, or services.

“(5) **RETURN OF DONATIONS.**—The Commissioner of U.S. Customs and Border Protection, or the Administrator of General Services, as applicable, may return any donation made pursuant to subsection (a) or (b). No interest shall be owed to the donor with respect to any donation provided under such subsections that is returned pursuant to this subsection.

“(6) **PROHIBITION ON CERTAIN FUNDING.**—Except as provided in subsections (a) and (b) regarding the acceptance of donations, the Commissioner of U.S. Customs and Border Protection and the Administrator of General Services, as applicable, may not, with respect to an agreement entered into under either of such subsections, obligate or expend amounts in excess of amounts that have been appropriated pursuant to any appropriations Act for purposes specified in either of such subsections or otherwise made available for any of such purposes.

“(7) **ANNUAL REPORTS.**—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Administrator of General Services, as applicable, shall submit to the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate an annual report identifying the activities undertaken and agreements entered into pursuant to subsections (a) and (b).

“(d) **RULE OF CONSTRUCTION.**—Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the General Services Administration.

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

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

“(1) any agreement entered into pursuant to section 560 of division D of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6) or section 559 of title V of division F of the Consolidated Appropriations Act, 2014 (6 U.S.C. 211

note; Public Law 113-76), as in existence on the day before the date of the enactment of this subtitle, and any such agreement shall continue to have full force and effect on and after such date; or

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

“**SEC. 484. DEFINITIONS.**

“In this subtitle:

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

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

“(A) person;

“(B) partnership, corporation, trust, estate, cooperative, association, or any other organized group of persons;

“(C) Federal, State or local government (including any subdivision, agency or instrumentality thereof); or

“(D) any other private or governmental entity.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end of the list of items relating 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.”

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

SEC. 5. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.

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

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

“(a) **ESTABLISHMENT.**—The Office of Biometric Identity Management is established within the Department.

“(b) **DIRECTOR.**—

“(1) **IN GENERAL.**—The Office of Biometric Identity Management shall be administered by the Director of the Office of Biometric Identity Management (in this section referred to as the ‘Director’) who shall report to the Secretary, or to another official of the Department, as the Secretary may direct.

“(2) **QUALIFICATIONS AND DUTIES.**—The Director shall—

“(A) have significant professional management experience, as well as experience in the field of biometrics and identity management;

“(B) lead the Department's biometric identity services to support anti-terrorism, counter-terrorism, border security, credentialing, national security, and public safety and enable operational missions across the Department by matching, storing, sharing, and analyzing biometric data;

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

“(i) the Department and its components;

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

“(iii) appropriate foreign governments; and

“(iv) appropriate private sector entities;

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

“(E) establish and manage the operation and maintenance of the Department’s sole biometric repository;

“(F) establish, manage, and operate Biometric Support Centers to provide biometric identification and verification analysis and services to the Department, appropriate Federal, State, local, and tribal agencies, appropriate foreign governments, and appropriate private sector entities;

“(G) in collaboration with the Undersecretary for Science and Technology, establish a Department-wide research and development program to support efforts in assessment, development, and exploration of biometric advancements and emerging technologies;

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

“(I) in coordination with the Department’s Office of Policy, and in consultation with relevant component offices and headquarters offices, enter into data sharing agreements with appropriate Federal agencies to support immigration, law enforcement, national security, and public safety missions;

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

“(K) carry out the duties and powers prescribed by law or delegated by the Secretary.

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

“(d) CHIEF TECHNOLOGY OFFICER.—

“(1) IN GENERAL.—There shall be in the Office of Biometric Identity Management a Chief Technology Officer.

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

“(A) ensure compliance with policies, processes, standards, guidelines, and procedures related to information technology systems management, enterprise architecture, and data management;

“(B) provide engineering and enterprise architecture guidance and direction to the Office of Biometric Identity Management; and

“(C) leverage emerging biometric technologies to recommend improvements to major enterprise applications, identify tools to optimize information technology systems performance, and develop and promote joint technology solutions to improve services to enhance mission effectiveness.

“(e) OTHER AUTHORITIES.—

“(1) IN GENERAL.—The Director may establish such other offices within the Office of Biometric Identity Management as the Director determines necessary to carry out the missions, duties, functions, and authorities of the Office.

“(2) NOTIFICATION.—If the Director exercises the authority provided by paragraph (1), the Director 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 30 days before exercising such authority.”.

(b) TRANSFER LIMITATION.—The Secretary of Homeland Security may not transfer the location or reporting structure of the Office of Biometric Identity Management (established by section 708 of the Homeland Security Act of 2002, as added by subsection (a) of this section) to any component of the Department of Homeland Security.

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

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

SEC. 6. COST-BENEFIT ANALYSIS OF CO-LOCATING OPERATIONAL ENTITIES.

(a) IN GENERAL.—For any location in which U.S. Customs and Border Protection’s Office of Air and Marine Operations is based within 45 miles of locations where any other Department of Homeland Security agency also operates air and marine assets, the Secretary of Homeland Security shall conduct a cost-benefit analysis to consider the potential cost of and savings derived from co-locating aviation and maritime operational assets of the respective agencies of the Department. In analyzing such potential cost savings achieved by sharing aviation and maritime facilities, such analysis shall consider, at a minimum, the following factors:

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

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

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

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

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

(6) Acquisition and infrastructure costs for enlarging current facilities, as needed.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report summarizing the results of the cost-benefit analysis required under subsection (a) and any planned actions based upon such results.

SEC. 7. STRATEGIC PERSONNEL PLAN FOR U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL DEPLOYED ABROAD.

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

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

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

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

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

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

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

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

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

Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection 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 assessment of the security threats posed by United States-bound international mail.

SEC. 9. EVALUATION OF COAST GUARD DEPLOYABLE SPECIALIZED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that describes and assesses the state of the Coast Guard’s Deployable Specialized Forces (in this section referred to as the “DSF”). Such report shall include, at a minimum, the following elements:

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

(A) A cost analysis, including training, operating, and travel costs.

(B) The number of personnel assigned.

(C) The total number of units.

(D) The total number of operations conducted.

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

(i) The Coast Guard.

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

(iii) Other Federal departments or agencies.

(iv) State agencies.

(v) Local agencies.

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

(2) Mission impact, feasibility, and cost, including potential cost savings, of locating DSF capabilities, including the following scenarios:

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

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

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

SEC. 10. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM IMPROVEMENT.

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

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

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

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

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

“(1) notify the appropriate congressional committees of the proposed terms of such arrangement; and

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

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Security and Accountability for Every Port Act of 2006 is amended by amending the item relating to section 218 to read as follows:

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

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

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

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

SEC. 12. CONTAINER SECURITY INITIATIVE.

Subsection (1) of section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945) is amended—

(1) by striking “(1) IN GENERAL.—Not later than September 30, 2007,” and inserting “Not later than 270 days after the date of the enactment of the Border and Maritime Security Coordination Improvement Act,”;

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

(3) by striking paragraph (2).

SEC. 13. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL WAIVER AND APPEALS PROCESS.

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

“(r) SECURING THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL AGAINST USE BY UNAUTHORIZED ALIENS.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, shall seek to strengthen the integrity of transportation security cards issued under this section against improper access by an individual who is not lawfully present in the United States.

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

“(A) publish a list of documents that will identify non-United States citizen transportation security card applicants and verify the immigration statuses of such applicants by requiring each such applicant to produce a document or documents that demonstrate—

“(i) identity; and

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

“(B) enhance training requirements to ensure that trusted agents at transportation security card enrollment centers receive training to identify fraudulent documents.

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

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall pro-

vide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate information on the following:

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

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

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

SEC. 14. REPEALS.

The following provisions of the Security and Accountability for Every Port Act of 2006 (Public Law 109-347) are repealed:

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

(2) Subsection (c) of section 108.

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

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

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

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

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

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

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

The SPEAKER pro tempore (Mr. DONOVAN). Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3586, the Border and Maritime Coordination Improvement Act. I believe that this bill will provide the Department of Homeland Security the tools and the authority to find efficiencies to improve operations amongst all of its various components.

In 2003, the Department of Homeland Security was cobbled together from 22 different offices and agencies—a very huge logistical and management challenge. We knew that there would be significant growing pains before that agency would function well and as a unified department.

Each component of the Department, be it Customs and Border Protection or

Immigration and Customs Enforcement or the U.S. Coast Guard, has a tendency to sort of operate in their own silo, without the coordination required to make border and maritime security efforts as successful as they should be and can be.

This has had a negative effect, actually, on logistics, on communications, and, most importantly, on operations. In an attempt to adopt a better structure with a goal of enhancing border security and maritime security operations, this legislation, Mr. Speaker, authorizes joint task forces on border security.

The goal of these task forces is to improve border security outcomes, and this legislation provides explicit authority to guide the task force operations and to allow this pilot concept to be utilized to secure our borders.

While this concept is not unique, we intentionally provided a sunset date for the joint task force authority to give the next administration the opportunity to come back to the Homeland Security Committee and to the next Congress to demonstrate that this organizational structure has really contributed to border security, and it is not just simply another layer of bureaucracy.

The second part of this bill, Mr. Speaker, requires the Department to take a very hard look at potential efficiencies in its maritime security efforts. During my time as the chair of the Subcommittee on Border and Maritime Security, we held hearings with CBP that address some of the overlap and the redundancies in the maritime environment, particularly with the units of the Coast Guard and the CBP Air and Marine Operations that, in many cases, are in very close geographic proximity.

This bill also requires CBP’s Office of Field Operations, the Air and Marine Operations, and the Coast Guard to evaluate their role in the maritime and supply chain security to ensure that their missions are consistent with our current threats and to find ways to consolidate operations, where possible. We think these steps are commonsense, and I certainly think that they will help save our taxpayers a number of dollars, and, most importantly, improve operations and coordinations for our homeland security.

Again, finding creative ways to fund the staffing and infrastructure needs at our Nation’s aging ports of entry was really the driving force behind another piece of this legislation, which is the permanent authorization of CBP’s Public-Private Partnership program, which is also included in this legislation.

Allowing public and private sector port of entry operators and others to enter into agreements with CBP to fund small-scale infrastructure expansion or to fund overtime needs will improve security and, as well, increase the flow of commerce that is so vital to our economy.

I want to specifically thank the gentleman from Texas (Mr. HURD), who

will be speaking in just a moment, for offering the amendment, Mr. Speaker, during the markup regarding the authorization of public-private partnerships. His leadership on this issue has been absolutely vital to bringing this legislation to the floor today.

I certainly also want to thank Chairman SHUSTER and Representative BARLETTA from the Transportation and Infrastructure Committee for working so diligently with us on this particular provision.

Lastly, this bill authorizes the Department's Office of Biometric Identity Management, or OBIM as we call it, for the first time. Since 2003, biometrics have been a very important part of the Nation's border security efforts.

The biometric service OBIM provides is not limited to any one component. It is a department and a government-wide asset. For that reason, we believe that it should not be located in a single component, like the CBP, where the information could, again, be siloed to the detriment of other Department of Homeland Security components. In order for biometrics to be used to their very fullest potential, we think we need to appropriately fund and modernize the data systems that power the matching and the collection of biometric information.

Mr. Speaker, our borders can and should be secured. We believe that this bill provides a framework to really help organize the Department for success and to improve the coordination of border and maritime security components whose job it is to secure our great Nation.

Lastly, I would like to also thank the ranking member of our committee, Mr. THOMPSON, and the ranking member on our subcommittee, Mr. VELA, as well as all of their staffs, for working with us in the spirit of bipartisanship to strengthen our security.

I ask our colleagues to support this commonsense bill.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3586, the Border and Maritime Coordination Improvement Act of 2015.

Mr. Speaker, this legislation aims to improve the unity of effort between the various DHS components charged with securing our land and maritime borders. H.R. 3586 also seeks to push out border security to mitigate threats at the earliest possible point. Collaboration and cooperation are vital to ensuring our efforts are efficient and effective.

H.R. 3586 allows the Department to leverage the capabilities of its components, such as Customs and Border Protection and the U.S. Coast Guard, to improve its approach to our border and maritime security.

The bill requires the Department to assess the use of its resources, air and marine assets, and personnel deployed both domestically and abroad in order to identify opportunities to better co-

ordinate and streamline its operations and ensure the success of its border and maritime security missions.

H.R. 3586 also formally authorizes the DHS Secretary's Border Security Joint Task Forces, which utilize Department component personnel and capabilities, to secure the land and maritime borders of the United States.

These tasks were launched in May of 2014 through the Secretary's Southern Border and Approaches Campaign and represents a more collaborative approach to border security missions than we have previously seen.

H.R. 3586 also authorizes two programs specifically intended to bolster the Department's ability to identify and prevent threats from entering the United States via commercial aircraft—the Air Cargo Advance Screening pilot and the Immigration Advisory Program. Through these two programs, DHS is able to thoroughly screen and vet cargo and passengers coming to the United States from abroad on commercial airplanes and share information with international partners prior to departure.

There is strong bipartisan support and interest in strengthening and improving our border and maritime security efforts among my colleagues on the Committee on Homeland Security. I urge my colleagues in the House to support H.R. 3586 as well.

I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. HURD), from the 23rd Congressional District, who actually has 800 miles of the southwest border in his district.

Mr. HURD of Texas. Mr. Speaker, as the representative of dozens of border communities in Texas, I take the obligation to stand up for them seriously. Improvements to security are a key portion of this bill. However, I have long maintained that they are not enough and they are not the only part of a successful border strategy.

Trade is the lifeblood of many of these communities. Yet, far too often they find themselves relying on ports of entry that are understaffed and out of date. This limits growth and strains the ties of the local communities. In many cases, they want to do more to expand on the Federal resources that currently exist. Public-private partnerships are key to enabling this.

Let me be clear: port of entry infrastructure is a Federal responsibility, but that doesn't mean that local communities and businesses shouldn't be able to pitch in.

Since January 2014, the Public-Private Partnership pilot program run through the Customs and Border Protection has made a difference. It has enhanced the ability of CBP to increase resources and decrease wait times at ports of entry. This program provides guidance for reimbursable services and allows CBP to tailor its services to the needs of the stakeholders while meet-

ing the demands associated with decreasing budgets.

Both CBP and stakeholders have been exceedingly pleased with the results of this pilot program. Unfortunately, it could come to an end.

In an effort to ensure the longevity of this program, language in the bill permanently authorizes portions of the Public-Private Partnership program for reimbursable services and donation authority and it establishes a framework to guide its implementation in a responsible manner.

Public-private partnership authority for CBP is a critical issue for border communities like mine and has proven to be an essential tool to reduce wait times at the border and enhance the security of the homeland. I believe that we can secure our border and facilitate the flow of goods and services at the same time. The public-private partnerships that would be codified by this law will ensure just that.

I would like to thank Representative MILLER for her leadership on this issue, and I urge my colleagues to support this legislation.

□ 1430

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3586 helps enhance the coordination and cooperation among DHS' border security components, and it authorizes integral border security programs that enhance homeland security.

I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

When we think about some of the remunerative responsibilities that Members of Congress have, certainly, securing our border is one of the most important. As we can see by what is happening this year throughout the country, there is an enormous amount of interest in making sure that we do secure our border. I feel that this piece of legislation is a critical component but that it is not nearly what we need to be doing to secure our border. We would like to see a border security bill come to the floor. At any rate, I think this is a very, very important piece of legislation.

Again, it is important to note that this has been a bipartisan effort on this legislation, and I certainly appreciate the consideration and the work that we have achieved together, both Democrats and Republicans, as we have worked to secure our borders. I urge my colleagues to support H.R. 3586.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, and former ranking member of its Border and Maritime Security Subcommittee, I rise in support of H.R. 3586, the "Border and Maritime Coordination Improvement Act."

Our Nation has thousands of miles of coastlines, lakes, and rivers and hundreds of ports

that provide opportunities for legitimate travel, trade, and recreation.

There are currently 328 ports of entry to the U.S., including 167 land ports of entry with Canada and Mexico, staffed by approximately 21,000 CBP officers in the U.S. and abroad.

There are more people and goods coming through our ports of entry than ever before.

Last fiscal year, CBP inspected more than 360 million travelers at our air, land, and sea ports of entry.

Since 2009, we have seen growth in both trade and travel.

In Fiscal Year 2013, total passenger volume was 6.4% higher and total import value was nearly 40% higher than in Fiscal Year 2011.

Houston's George Bush International and the William P. Hobby Airports are vital hubs for domestic and international air travel:

1. Nearly 40 million passengers traveled through Bush International Airport (IAH) and an additional 10 million traveled through William P. Hobby (HOU);

2. More than 650 daily departures occur at IAH;

3. IAH is the 11th busiest airport in the U.S. for total passenger traffic; and

4. IAH has 12 all-cargo airlines that handled more than 419,205 metric tons of cargo in 2012.

It was reported in October 2015 that the William P. Hobby Airport has opened a new 280,000 ft complex that includes 5 gates for its international concourse in an effort to re-establish the airport's daily international air service.

The addition is expected to support travel service for nearly 7,500 international passengers and 25 departing flights a day.

At the same time, these waterways offer opportunities for terrorists and their instruments, drug smugglers, and undocumented persons to enter our country.

Protecting the nation's border—land, air, and sea—from illegal entry of people, weapons, drugs, and contraband is vital to our homeland security, as well as economic prosperity.

The Border and Maritime Coordination Improvement Act:

Creates an office of Biometric Identity Management;

Establishes the Border Security Joint Task Forces in the East, West and for investigations;

Updates the Maritime Operations Coordination Plan;

Establishes an Asset Development for the U.S. Customs and Border Protection Office of Air and Marine;

Secures the Transportation Worker Identification credential against use by unauthorized aliens;

Creates a cost-benefit analysis of co-located operational entities;

Evaluates the Coast Guard Deployable Specialized Forces;

Constructs an evaluation of Coast Guard Deployable Specialized Forces; and

Establishes a Customs-Trade Partnership against Terrorism Improvement among other important changes.

I support this legislation because it will help protect the integrity of our borders and the security of our homeland.

H.R. 3586 provides specific responsibilities for the Undersecretary to establish and operate the newly implemented departmental Joint

Task Forces and appointing the directors to those joint task forces.

Under H.R. 3586, the Joint Task Force—East and Joint Task Force—West is to execute a strategic plan to secure the land and maritime borders, which will coordinate criminal investigations supporting such task forces.

The bill also directs the the DHS to establish additional Joint Task Forces to:

1. coordinate operations along the northern border;

2. prevent and respond to homeland security crises;

3. establish other regionally based operations; and

4. combat cybersecurity.

The smuggling of illicit drugs, illegal immigrants, and contraband weapons over the Texas border is a major problem that needs to be addressed.

Approximately 1 million passengers and pedestrians cross the Texas border on a daily basis; of these, on average 23 of these persons are wanted for arrest.

H.R. 3586 is a positive step in the right direction and I urge my colleagues to join me in supporting its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3586, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOUTHWEST BORDER SECURITY THREAT ASSESSMENT ACT OF 2016

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4482) to require the Secretary of Homeland Security to prepare a southwest border threat analysis, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southwest Border Security Threat Assessment Act of 2016".

SEC. 2. SOUTHWEST BORDER THREAT ANALYSIS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security 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 southwest border threat analysis that includes the following:

(1) An assessment of current and potential terrorism and criminal threats posed by individuals and organized groups seeking to—

(A) unlawfully enter the United States through the southwest border; or

(B) exploit security vulnerabilities along the southwest border.

(2) An assessment of improvements needed at and between ports of entry along the southwest border to prevent terrorists and instruments of terror from entering the United States.

(3) An assessment of gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts.

(4) An assessment of the flow of legitimate trade along the southwest border.

(5) An assessment of the current percentage of situational awareness achieved by the Department of Homeland Security along the southwest border.

(6) An assessment of the current percentage of operational control (as such term is defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367)) achieved by the Department of Homeland Security of the southwest.

(7) An assessment of impact of trusted traveler programs on border wait times and border security.

(8) An assessment of traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(b) ANALYSIS REQUIREMENTS.—For the southwest border threat analysis required under subsection (a), the Secretary of Homeland Security shall consider and examine the following:

(1) Technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought.

(2) Personnel needs and challenges, including such needs and challenges associated with recruitment and hiring.

(3) Infrastructure needs and challenges.

(4) The roles and authorities of State, local, and tribal law enforcement in general border security activities.

(5) The status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security.

(6) The terrain, population density, and climate along the southwest border.

(7) International agreements between the United States and Mexico related to border security.

(c) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary of Homeland Security shall submit the southwest border threat analysis required under subsection (a) in unclassified form. The Secretary may submit a portion of such threat analysis in classified form if the Secretary determines such is appropriate.

SEC. 3. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 180 days after the submission of the threat analysis required under section 2 but not later than June 30, 2017, and every five years thereafter, the Secretary of Homeland Security, acting through the Chief of U.S. Border Patrol, shall, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, issue a Border Patrol Strategic Plan.

(b) CONTENTS.—The Border Patrol Strategic Plan required under subsection (a) shall include, at a minimum, a consideration of the following:

(1) The southwest border threat analysis required under section 2, with an emphasis on efforts to mitigate threats identified in such threat analysis.

(2) Efforts to analyze and disseminate border security and border threat information between Department of Homeland Security border security components and with other appropriate Federal departments and agencies with missions associated with the border.

(3) Efforts to increase situational awareness, including the following: