

Texas (Mr. MCCAUL) and the gentleman from Texas (Mr. VELA) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. MCCAUL).

GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of the bipartisan DHS Accountability Enhancement Act.

Mr. Speaker, the current threats confronting our homeland continue to evolve each and every day. They come from international terrorists, drug smugglers, human traffickers, hackers engaged in cyber warfare, transnational gangs like MS-13, and natural disasters.

To best address these threats, the American people need a Department of Homeland Security that is effective and accountable to the people it protects.

The Founding Fathers gave Congress the authority to write laws and give direction to the executive branch under Article I of our Constitution. Today, we have an important opportunity to reassert that constitutional authority.

The legislation before us eliminates an outdated provision that gives DHS overly broad authority to act on its own and reorganize without congressional approval. It is authority that was well-intentioned when it was first provided right after 9/11, but the time has come to rebalance this legislative equation.

Mr. Speaker, as you may be aware, it is the only authority of its kind in the entire executive branch. As Members of Congress, we have a solemn obligation to help protect the American people from anyone who wishes to bring us harm.

In the wake of 9/11, we reached across the aisle and worked together to create the Department of Homeland Security and demonstrated that the security of our homeland is not a partisan issue.

This is not just an academic exercise. On October 6 of this year, DHS used this authority for the first time in many years. We also want to work with DHS to support them, but continued use of this authority is not the best way to make the Department stronger.

I am proud to say that the Committee on Homeland Security, which I chair, has a strong bipartisan track record. This year we came together as Republicans and Democrats and passed the first-ever comprehensive reauthorization of DHS through the House with an overwhelming majority support.

Let's continue that progress today and pass this legislation. I also call on

the Senate to pass our reauthorization of DHS as soon as possible so our country can be more secure.

I would like to thank Ranking Member BENNIE THOMPSON, Congressman VELA, and all of the staff on the committee for their hard work on this issue. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 4038, the DHS Accountability Enhancement Act. H.R. 4038, or the DHS Accountability Enhancement Act, strikes section 872 of the Homeland Security Act. Section 872 grants the Secretary of Homeland Security unilateral authority to reorganize the Department as long as the Secretary notifies Congress 60 days in advance.

H.R. 4038, this bill, rescinds this unilateral authority. As authorizers of the Department of Homeland Security, the Committee on Homeland Security is ultimately responsible for reorganization of the Department. H.R. 4038 reinforces this responsibility.

The separation of powers doctrine compels the elimination of the provision, which gives the Department of Homeland Security unilateral decision-making authority to reorganize the Department.

Moreover, it should be noted that this bill is not without precedent.

While considering H.R. 2825, the Department of Homeland Security Authorization Act of 2017, in June, the Committee on Homeland Security unanimously approved eliminating the language found in section 872 of the Homeland Security Act of 2002.

I believe that this legislation not only ensures this committee's involvement in reorganizations at DHS, but affirms the responsibility of Congress as authorizers.

Mr. Speaker, I strongly urge support of this bipartisan legislation. H.R. 4038 is necessary, commonsense legislation. An action as significant as the reorganization of an entire department and its components should be subject to the appropriate vetting and approval measures of this Congress.

I thank Chairman MCCAUL for working with Ranking Member THOMPSON on this issue both during the consideration of the DHS Authorization Act and now on this measure.

Mr. Speaker, I encourage my colleagues to support H.R. 4038, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I once again urge my colleagues to support H.R. 4038.

I will say that this committee has passed over 50 bills out of the House that are currently sitting in the Senate waiting action. I urge the Senate to take action on this important legislation, all 50-plus bills, that will help better protect the American people.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 4038.

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

A motion to reconsider was laid on the table.

CUBAN AIRPORT SECURITY ACT  
OF 2017

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3328) to require a study regarding security measures and equipment at Cuba's airports, require the standardization of Federal Air Marshal Service agreements, require efforts to raise international aviation security standards, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3328

*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 "Cuban Airport Security Act of 2017".

**SEC. 2. FLIGHTS BETWEEN THE UNITED STATES AND CUBA.**

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall brief the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Comptroller General of the United States on the following aspects of security measures at each of Cuba's ten international airports:

(1) Details about the type of equipment used at screening checkpoints and an analysis of such equipment's capabilities and weaknesses.

(2) Information about each such airport's canine program, if used.

(3) The frequency of training for screening and security personnel.

(4) Access controls in place to ensure only credentialed personnel have access to the secure and sterile areas of such airports.

(5) An assessment of the ability of known or suspected terrorists to use Cuba as a gateway to entering the United States.

(6) Security of such airports' perimeters.

(7) A mitigation assessment regarding Man Portable Air Defense Systems.

(8) The vetting practices and procedures for airport employees.

(9) Any other information determined relevant to the security practices, procedures, and equipment in place at such airports.

(b) PUBLIC DISCLOSURE OF CERTAIN AGREEMENTS.—

(1) DISCLOSURE REQUIRED.—No United States air carrier that has entered into a covered agreement may employ a Cuban national pursuant to 31 CFR 515.573 after the date that is 30 days after the date of the enactment of this Act unless the air carrier has publicly disclosed the full text of the covered agreement.

(2) HIRING AND TRAINING REQUIREMENTS.—Notwithstanding any other provision of law or regulation, to the extent practicable, Cuban nationals referred to in paragraph (1) shall not have been recruited, hired, or trained by entities that are owned, operated, or controlled, in whole or in part, by Cuba's

Council of State, Council of Ministers, Communist Party, Ministry of the Revolutionary Armed Forces, Ministry of Foreign Affairs, or Ministry of the Interior.

(3) COVERED AGREEMENT.—In this subsection, the term “covered agreement” means a formal agreement between a United States air carrier with passenger air service between any location in Cuba and any location in the United States and the Empresa Cubana de Aeropuertos y Servicios Aeronauticos or any other entity associated with the Government of Cuba.

**SEC. 3. FEDERAL AIR MARSHAL SERVICE AGREEMENTS.**

(a) STANDARDIZATION.—Not later than 60 days after the date of the enactment of the Act, the Administrator of the Transportation Security Administration shall develop a standard working document to serve as the basis for all negotiations and agreements that begin after such date between the United States and foreign governments or partners regarding Federal Air Marshal coverage of flights to and from the United States.

(b) WRITTEN AGREEMENTS.—All agreements between the United States and foreign governments or partners regarding the presence of Federal Air Marshals on flights to and from the United States pursuant to subsection (a) shall be written and signed by the Secretary of Homeland Security or the Secretary's designee.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate any agreement entered into under this section within 30 days of such agreement being signed.

**SEC. 4. INTERNATIONAL CIVIL AVIATION ORGANIZATION.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the United States Ambassador or the Chargé d'Affaires to the United States Mission to the International Civil Aviation Organization shall pursue improvements to airport security, including if practicable, introducing a resolution to raise minimum standards for airport security.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the United States Ambassador or the Chargé d'Affaires to the United States Mission to the International Civil Aviation Organization shall report to the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentleman from Texas (Mr. VELA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Speaker, I rise today in support of legislation that will address the critical need to enhance security at airports in Cuba and across the globe.

Last week, I had the privilege to lead a congressional delegation overseas to see firsthand investments our foreign partners in Europe and the Middle East have made to enhance aviation security. We face an unprecedented threat landscape, and they are clearly responding to it.

In order to keep Americans safe, we must advance collaborative counterterrorism efforts with our allies and take a more stringent and risk-based approach with countries that are more hostile to the United States.

In leading this delegation to examine aviation security at international airports, I had the opportunity to meet with many members of our Foreign Service and military, who all work tirelessly on behalf of all of us to advance America's interests abroad.

Unfortunately, it has recently come to light that more than 20 of our American diplomats who were working at the United States Embassy in Havana were the victims of a sonic attack. As a result, many of these members of our Foreign Service have been diagnosed with serious injuries and dangerous symptoms, and, in some cases, even permanent brain damage.

Reports indicate that these attacks started as early as May of 2016, exactly one year after the previous administration removed Cuba's designation as a state sponsor of terrorism. Our government told our diplomats Cuba was safe. The reality was quite the opposite, and, because of that mistake, some of our diplomats will pay a permanent price.

These horrific attacks on members of our dedicated Foreign Service raise numerous questions about how much trust and, indeed, how much confidence we can have in the Cuban Government.

We have to ask ourselves: If Cuba is unable to ensure the safety and security of foreign diplomats working in the embassies there, how can it possibly prevent terrorists and other nefarious actors from accessing its airports and infiltrating flights bound for the United States?

I recall last year when the Obama administration entered into opening up flights to Cuba, they ceded so much of the authority to the Cuban Government, the communist Cuban Government, over who they are going to hire, who is going to work with the American agencies, and who is going to be in charge of security; and we have very little control and, indeed, very little oversight over anything to do with those airports, yet American citizens are going to be going there and possibly facing danger. That is a real concern.

The legislation we are considering today requires that Cuba's airports be subjected to additional security to en-

sure that inbound flights to the United States are secure.

I am not here today to relitigate the wider policy towards Cuba or the Cuban Government, but I am here to ensure that Cuba and the rest of the global aviation community are held to security standards that are sufficient in these modern times to respond to the evolving and sometimes grave threats that the aviation sector faces on a regular basis.

The International Civil Aviation Organization standards, which currently serve as the benchmark minimum requirements for all airports with flights to the United States, are simply too weak; and I would submit that they are becoming outdated, given the fact that terrorism aspects nationwide and, indeed, worldwide routinely are adapting, and these standards are not.

This legislation we are considering today requires the Trump administration to take steps to raise minimum standards which will elevate American aviation security around the globe.

No matter how strong our domestic airport and aircraft security is, we must continue to raise the standard of global aviation security for foreign countries and last-point-of-departure airports. It is imperative that aviation security standards are robust and that these standards are commonplace in foreign countries, especially those with flights to the United States.

It is also imperative that these countries meet these standards; not just say they are going to meet these standards, but that they are, in fact, meeting the standards, something we found out recently is not always the case.

Confidence in aviation security at home begins with the assurance that our global partners are enforcing security standards abroad. By passing this bill today, we can demonstrate to the global community that the United States sees international aviation security as critical, because raising the aviation security standard abroad will obviously and ultimately keep us safe at home.

Mr. Speaker, I would like to thank Chairman MCCAUL and Chairman SIREs for joining me in championing this important piece of legislation.

Mr. Speaker, I would also like to thank all the members of the Homeland Security Committee and their staffs for putting politics aside, as we often do on this great committee, and supporting this bill unanimously.

Mr. Speaker, I urge my colleagues to join me in supporting this important piece of legislation to enhance our national security.

Mr. Speaker, before I close, I would like to note and echo the sentiments of my colleague and leader of this committee, Mr. MCCAUL. There are more than 50 bills now sitting over in the Senate that have passed the House from the Homeland Security Committee. The very words “homeland security” should not be of question, and they should not be something to serve

as an impediment to keeping our country safe; it should be just the opposite. Therefore, I join Mr. MCCAUL and urge my colleagues in the Senate to move swiftly on the passage of these bills to keep our country safe.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, August 30, 2017.

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

DEAR CHAIRMAN MCCAUL: Thank you for consulting with the Committee on Foreign Affairs on H.R. 3328, the Cuban Airport Security Act of 2017.

I agree that the Foreign Affairs Committee may be discharged from further action on this bill so that it may proceed expeditiously to the Floor, subject to the understanding that this waiver does not in any way diminish or alter the jurisdiction of the Foreign Affairs Committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. The Committee also reserves the right to seek an appropriate number of conferees to any House-Senate conference involving this bill, and would appreciate your support for any such request.

I ask that you place our exchange of letters into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, September 13, 2017.

Hon. EDWARD R. ROYCE,  
Chairman, Committee on Foreign Affairs,  
Washington, DC.

DEAR CHAIRMAN ROYCE: Thank you for your letter regarding H.R. 3328—the “Cuban Airport Security Act of 2017.” I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Foreign Affairs will forego further consideration of the bill.

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

I will insert copies of this exchange in the report on the bill and in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman.

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF  
REPRESENTATIVES,  
Washington, DC, September 13, 2017.

Hon. MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 3328, the Cuban Airport Security Act of 2017. This legislation includes

matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forego action on the bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee’s Rule X jurisdiction. Further, this is conditional on our understanding that mutually agreed upon changes to the legislation will be incorporated into the bill prior to floor consideration. Lastly, should a conference on the bill be necessary, I request your support for the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy this letter and your response acknowledging our jurisdictional interest be included in the bill report filed by the Committee on Homeland Security, as well as in the Congressional Record during consideration of the measure on the House floor, to memorialize our understanding. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, September 13, 2017.

Hon. BILL SHUSTER,  
Chairman, Committee on Transportation and Infrastructure,  
Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 3328—the “Cuban Airport Security Act of 2017.” I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee represented on the conference committee. Further, the Committee on Homeland Security agrees that mutually agreed upon changes to the legislation will be incorporated into the bill prior to floor consideration.

I will insert copies of this exchange in the report on the bill and in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman.

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

Mr. Speaker, I rise today in support of H.R. 3328, the Cuban Airport Security Act.

The United States and the global aviation community face an adaptive

and agile enemy. Terrorist groups continue to target passenger aircraft and pursue new attack methods.

With those threats in mind, the legislation before us today focuses on raising the level of security in Cuba. H.R. 3328 will ensure that Congress is able to continue its oversight of the TSA’s efforts to ensure the Cuban Government adopts aviation security initiatives and makes important security advancements. It is critical that the gains achieved are not eroded.

Mr. Speaker, I reserve the balance of my time.

Mr. KATKO. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL), the chairman of the Homeland Security Committee and my friend.

Mr. MCCAUL. Mr. Speaker, I rise today in support of the Cuban Airport Security Act. Last-point-of-departure airports are critically important to our homeland security. One only need look at the latest laptop ban that was instituted at 10 last-point-of-departure airports, given the fact that the terrorists have now learned how to turn them into explosive devices.

The American people should have grave concern about the level of security in place at any foreign airport where the host government refuses to allow strict inspections of airport security by Members of Congress.

As a footnote, Mr. Speaker, it was just last year that Mr. KATKO and I applied for visas to the Government of Cuba to inspect these airports to see how safe they were, and the Cuban Government’s response to that was to deny our visa applications.

What is more concerning is that over the course of the last year, the United States Government personnel in Cuba have been targeted and subjected to harmful sonic attacks, which in some cases have caused permanent brain damage. This must not be tolerated.

Too many questions remain when it comes to Cuba’s airports. Congress is still largely in the dark in terms of Cuba’s security equipment, training procedures, and other perimeter security.

This bill takes an important step forward to shed light on current inadequacies and help to ensure proper oversight of inbound flights from Cuba to the United States.

Mr. Speaker, I would like to commend my good friend from New York (Mr. KATKO) for his continued leadership on aviation security and last-point-of-departure airports, which has been critical in bringing these issues to the forefront, and I urge my colleagues to support this bill.

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

Mr. Speaker, the House Homeland Security Committee passed H.R. 3328, the Cuban Airport Security Act of 2017, by voice vote in September. While the legislation is focused on raising the level of aviation security in Cuba, it has broader implications.

H.R. 3328 includes a provision requiring the TSA to develop a template for agreements with foreign partners for Federal air marshals to carry out security operations on flights departing or arriving on foreign soil.

As Mr. KATKO mentioned, just last week there were news reports that the DHS and the TSA had acknowledged that intelligence indicates that terrorists are plotting another massive attack on U.S. aircraft.

In the current climate of aviation security threats, the United States has a critical role to play in raising the baseline of global aviation security to keep the traveling public safe, in coordination with our international partners.

Mr. Speaker, I urge support for H.R. 3328, and I yield back the balance of my time.

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

Mr. Speaker, I urge my colleagues to support this bill for the reasons that I have already spoken about, but I do want to note that there are two things in this bill that are very important. One is to give us the ability to examine whether or not the airports in Cuba are indeed safe.

As you heard from the statements earlier during this colloquy from myself, from Mr. VELA, and from Mr. MCCAUL, there are gaps in our knowledge of Cuba that are simply unique to most of the other aviation communities. It is incumbent upon us to try and find out what is going on down there.

As my colleague, Mr. MCCAUL, stated, we were denied visas because they knew we were coming to look at their airports. They allow very little oversight from the TSA at their airports.

They or someone in their country have attacked our embassy employees. The communist Cuban party controls the vast majority of what happens with aviation with very little knowledge of what the internal workings of that are. They are not collaborative partners at all, and that is a major concern.

The other part of the bill is reviewing international aviation standards.

Are they keeping up to date with evolving threats, such as the laptop threat and others that we know of around the world? Are they adhering to the standards that are set by the ICAO? And are those standards sufficient going forward?

Those are all things we need to take a look at. I urge my colleagues to pass this bill because it is a Homeland Security bill. I hope that my colleagues in the Senate, including Senator RUBIO, my good friend who is championing the companion bill, I hope that he pushes it over there quickly; and I hope we get this to the President's desk for signature because we can't mess with things that involve homeland security.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr.

KATKO) that the House suspend the rules and pass the bill, H.R. 3328.

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

A motion to reconsider was laid on the table.

#### C-TPAT REAUTHORIZATION ACT OF 2017

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3551) to amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3551

*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 "C-TPAT Reauthorization Act of 2017".

#### SEC. 2. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) IN GENERAL.—Subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.) is amended to read as follows:

##### "Subtitle B—Customs-Trade Partnership Against Terrorism

#### "SEC. 211. ESTABLISHMENT OF THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM PROGRAM.

"(a) IN GENERAL.—There is established within U.S. Customs and Border Protection a voluntary government-private sector partnership program to be known as the Customs-Trade Partnership Against Terrorism (C-TPAT).

"(b) PURPOSE.—The purposes of the C-TPAT program are to—

"(1) strengthen and improve the overall security of the international supply chain and United States border security;

"(2) facilitate the movement of secure cargo through the international supply chain;

"(3) ensure compliance with applicable law; and

"(4) serve as the Authorized Economic Operator program for the United States.

"(c) DIRECTOR.—There shall be at the head of the C-TPAT program a Director, who shall report to the Executive Assistant Commissioner of the Office of Field Operations (in this subtitle referred to as the 'Executive Assistant Commissioner') of U.S. Customs and Border Protection.

"(d) DUTIES.—The Director of the C-TPAT program shall—

"(1) oversee the activities of the C-TPAT program, including certification of C-TPAT participants;

"(2) evaluate and make revisions to security criteria pursuant to subsections (c) and (d) of section 213;

"(3) ensure that participants receive a tangible and measurable benefit for participation; and

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

#### "SEC. 212. ELIGIBLE ENTITIES AND NOTICE OF BENEFITS.

"(a) ELIGIBLE ENTITIES.—Importers, exporters, customs brokers, forwarders, air,

sea, and land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply for participation in the C-TPAT program.

"(b) TIERED PARTICIPATION.—

"(1) IN GENERAL.—Applicants may be eligible to participate as Tier 1 or Tier 2 participants.

"(2) IMPORTERS.—Importers may be eligible to participate as Tier 3 participants.

"(3) EXTENSION.—The Executive Assistant Commissioner may, in his or her discretion, extend Tier 3 participation to other entity types, if appropriate.

"(c) NOTICE OF BENEFITS.—

"(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall publish, on the U.S. Customs and Border Protection website and through other appropriate online publication, information about benefits to C-TPAT program participants.

"(2) CHANGES.—The Commissioner of U.S. Customs and Border Protection shall publish, on the U.S. Customs and Border Protection website and through other appropriate online publication, notice of any changes to benefits to C-TPAT program participants not later than 30 days before any such changes take effect.

#### "SEC. 213. PARTICIPATION ELIGIBILITY.

"(a) IN GENERAL.—The Executive Assistant Commissioner shall review all documentation submitted by an applicant pursuant to subsection (b)(2), conduct a background investigation of such applicant, and vet such applicant.

"(b) GENERAL REQUIREMENTS.—To be eligible for participation in the C-TPAT program, an entity shall, at a minimum—

"(1) have a designated company employee authorized to bind such entity that is a direct company employee and will serve as the primary point of contact responsible for participation of such entity in the C-TPAT program;

"(2) at the time of initial application and annually thereafter, including in advance of any recertification or revalidation, submit an international supply chain security profile, which shall identify how such entity meets the minimum security criteria of the C-TPAT program established by the Commissioner of U.S. Customs and Border Protection and how such entity will maintain and enhance internal policies, procedures, and practices related to international supply chain security; and

"(3) meet any specific requirements for eligible entities, as established by the Commissioner.

"(c) MINIMUM SECURITY CRITERIA.—The Commissioner of U.S. Customs and Border Protection shall establish minimum security criteria for participants in the C-TPAT program, review such minimum security criteria not less than once every two years, and update such minimum security criteria as necessary. Such minimum security criteria shall seek to address security vulnerabilities in the international supply chain.

"(d) ADDITIONAL AND UPDATED CRITERIA.—The Commissioner of U.S. Customs and Border Protection may establish additional and updated security criteria for individual C-TPAT program participants, categories of C-TPAT program participants, or particular entity types to meet in order to address a security vulnerability in the international supply chain.

"(e) CONSULTATION.—When establishing or updating security criteria in accordance with subsection (c), and when establishing additional or updated security criteria in accordance subsection (d), the Commissioner of U.S. Customs and Border Protection shall consult with C-TPAT program participants and other interested parties, and shall—