

COMBATTING INTERNATIONAL DRUG TRAFFICKING AND

HUMAN SMUGGLING PARTNERSHIP ACT OF 2025

OCTOBER 3, 2025.—Committed to the Committee of the Whole House on the State

of the Union and ordered to be printed

Mr. GARBARINO, from the Committee on Homeland Security,

submitted the following

R E P O R T

[To accompany H.R. 4071]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the

bill (H.R. 4071) to amend the Homeland Security Act of 2002 to en-

hance the operations of U.S. Customs and Border Protection in for-

foreign countries, and for other purposes, having considered the same,

reports favorably thereon without amendment and recommends

that the bill do pass.

CONTENTS

Purpose and Summary	Page 2
Background and Need for Legislation	2
Hearings	3
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	4
Correspondence with Other Committees	5
C.B.O. Estimate, New Budget Authority, Entitlement Authority, and Tax Expenditures	7
Federal Mandates Statement	8
Duplicative Federal Programs	8
Statement of General Performance Goals and Objectives	8
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	8
Advisory Committee Statement	8
Applicability to Legislative Branch	8
Section-by-Section Analysis of the Legislation	8
Changes in Existing Law Made by the Bill, as Reported	9

PURPOSE AND SUMMARY

H.R. 4071, the “Combatting International Drug Trafficking and Human Smuggling Partnership Act of 2025” amends the Homeland Security Act of 2002 to enhance the operations of U.S. Customs and Border Protection (CBP) in foreign countries. This legislation defines CBP Air and Marine Operations (AMO) authority to enter into agreements with partner foreign nations to conduct joint enforcement and interdiction operations designed to extraterritorially thwart transnational criminal organizations involved in the smuggling and trafficking of illicit drugs and persons, to include potential terrorists. This legislation further authorizes the Secretary of Homeland Security to expend funds that have been appropriated or otherwise made available to pay for tort claims made against the United States, thus providing a vehicle for the Department of Homeland Security (DHS) to provide compensation for injuries and/or damages arising from extraterritorial operations conducted by CBP AMO with partner nations.

BACKGROUND AND NEED FOR LEGISLATION

AMO, a specialized component of CBP, plays a critical role in securing the Nation from a wide array of threats. AMO’s mission is to identify, disrupt, and dismantle transnational criminal organizations involved in the global proliferation of terrorism, illegal migration, narcotics smuggling, weapons trafficking, and illicit trafficking of merchandise. AMO’s unique capabilities allows for enhanced national and border security by combatting those seeking to harm our country through the exploitation of vulnerabilities in the aeronautical and maritime domains.

AMO is on the forefront of disrupting transnational criminal activity before it reaches U.S. shores. In Fiscal Year 2024, AMO enforcement actions resulted in 1,009 arrests and 48,609 apprehensions of illegal aliens. AMO also seized or disrupted 244,781 pounds of cocaine, 2,235 pounds of fentanyl, 3,061 pounds of methamphetamine, 1,499 weapons, and more than \$12.5 million in illicit proceeds. These numbers underscore AMO’s essential role in protecting the homeland from drugs, criminal networks, and other national security threats.

In addition to its domestic operations, AMO conducts extended border and foreign operations where it partners with host governments and foreign law enforcement agencies. These partnerships allow AMO to detect, track, and disrupt smuggling attempts at their source, preventing dangerous actors and contraband from ever reaching U.S. borders. Such collaboration is increasingly vital as transnational criminal organizations (TCOs), including violent foreign terrorist organizations (FTOs), expand their reach and exploit international smuggling routes to traffic people, narcotics, weapons, and even suspected terrorists into the United States.

The Committee is deeply concerned about the ability of TCOs and FTOs to exploit jurisdictional and enforcement gaps across borders to carry out their operations. To close these gaps and strengthen the Nation’s defenses, the “Combatting International Drug Trafficking and Human Smuggling Partnership Act of 2025” grants AMO with the enhanced ability to conduct extraterritorial joint operations with concurring foreign partner nations.

Furthermore, this legislation authorizes the Secretary of Homeland Security to expend funds to resolve tort claims for injuries or damages arising from such joint operations. This provision ensures accountability, protects U.S. personnel and the government from prolonged legal exposure, and facilitates smoother coordination with foreign partner nations who might otherwise hesitate to engage in joint missions.

This critical legislation is necessary to strengthen America's ability to counter international drug trafficking, human smuggling, and FTO infiltration at source and transshipment hubs, before threats can reach and adversely impact our U.S. communities.

HEARINGS

The Committee held the following hearings in the 119th Congress that informed H.R. 4071:

On June 10, 2025, the Committee on Homeland Security Subcommittee on Transportation and Maritime Security and Subcommittee on Border Security and Enforcement held a joint Subcommittee hearing titled "From Cartels to Coastlines: An Examination of U.S. Federal Efforts to Confront Illicit Maritime Activities in U.S. Waters" and received testimony from Mr. Jonathan P. Miller, Executive Assistant Commissioner, Air and Marine Operations, U.S. Customs and Border Protection; Rear Admiral Adam A Chamie, Assistant Commandant for Response Policy, U.S. Coast Guard; Mr. James C. Harris III, Assistant Director for Countering Transnational Organized Crime, Homeland Security Investigations; and Heather MacLeod, Director, Homeland Security and Justice, Government Accountability Office.

On July 15, 2025, the Committee on Homeland Security, Subcommittee on Transportation and Maritime Security held a hearing titled, "Surveillance, Sabotage, and Strikes: Industry Perspectives on How Drone Warfare Abroad is Transforming Threats at Home" and received testimony from subject matter experts including Mr. Church Hutton, Chief Growth Officer, AeroVironment, Inc.; Mr. Tom Walker, Founder and Chief Executive Officer, DroneUp, LLC.; Mr. Brett J. Feddersen, Vice President, Strategy and Government Relations, D-Fend Solutions; and Mr. Michael Robbins, President and Chief Executive Officer, Association for Uncrewed Vehicle Systems International.

COMMITTEE CONSIDERATION

The Committee met on June 25, 2025, a quorum being present, to consider H.R. 4071 and ordered the measure to be favorably reported to the House by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4071.

COMMITTEE OVERSIGHT FINDINGS

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

CORRESPONDENCE WITH OTHER COMMITTEES

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U.S. House of Representatives

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

October 1, 2025

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

Dear Chairman Garbarino,

I am writing with respect to H.R. 4071, the "Combatting International Drug Trafficking and Human Smuggling Partnership Act of 2025". As you noted, the Committee on Ways and Means was granted an additional referral on this bill. I agree to forego action on this bill so that it may proceed expeditiously to the House floor for consideration.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 4071.

Sincerely,

Jason Smith
Chairman

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

ANDREW R. GARBARINO, NEW YORK
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER



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

October 1, 2025

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

Dear Chairman Smith:

Thank you for your letter regarding H.R. 4071, the "Combating International Drug Trafficking and Human Smuggling Partnership Act of 2025," of which the Committee on Ways & Means received an additional referral. I appreciate your support in bringing this legislation before the House of Representatives, and that the Committee on Ways & Means will forego further consideration of the bill.

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

I will include our letters on H.R. 4071 in the Committee report on this measure and in the *Congressional Record* during floor consideration of this bill. I look forward to working with you on this legislation and appreciate your cooperation on this matter.

Sincerely,

Andrew R. Garbarino
Chairman

Cc: The Honorable Bennie Thompson, Ranking Member, Committee on Homeland Security
The Honorable Richard Neal, Ranking Member, Committee on Ways & Means
The Honorable Jason Smith, Parliamentarian

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

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

H.R. 4071, Combatting International Drug Trafficking and Human Smuggling Partnership Act of 2025			
As ordered reported by the House Committee on Homeland Security on June 25, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 4071 would allow Customs and Border Protection (CBP) to participate in joint operations with foreign governments abroad to prevent illicit drug trafficking and terrorist threats. The bill also would authorize CBP to pay certain claims for monetary damage, loss of personal property, or injury brought against the United States that arise from such operations. Under current law, CBP can settle claims for those purposes that arise within the United States under the Federal Tort Claims Act (FTCA), but not those that originate in a foreign country. H.R. 4071 would require CBP to report to the Congress within 90 days of paying such a claim. Under the bill, all claims would be paid from discretionary funds and the authority to pay those claims would expire five years after enactment.

Based on similar FTCA claims, CBO estimates that very few claims would be paid under the bill and the average claim would be small. As a result, CBO estimates that implementing H.R. 4071 would cost less than \$500,000 over the 2025–2030 period. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act of 1995.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4071 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 4071 is to enhance the operations of U.S. Customs and Border Protection in foreign countries.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

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

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 4071 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that the Act may be cited as the “Combatting International Drug Trafficking and Human Smuggling Partnership Act of 2025”.

Section 2. Enhancing the operations of U.S. customs and border protection in foreign countries

Subsection (a) amends Section 411(f) of the Homeland Security Act of 2002 by inserting language governing CBP AMO’s permissible activities when providing support to the government of a foreign country to include the performance of joint enforcement and interdiction operations with partner foreign nations so long that an arraignment has been entered into between the United States Government and the government of the host country who concurs with and permits such support from CBP AMO.

Subsection (b) sets forth the support to be provided by CBP AMO in conducting joint operations with concurring host nations. CBP AMO shall be permitted to provide extraterritorial support to part-

ner nations in furtherance of monitoring, locating, tracking, and deterring the trafficking of illegal drugs, the illicit smuggling of persons and merchandise, matters concerning terrorism and terrorist threats to the United States, and other threats to the security and economy of our Nation. Moreover, this section provides provisions for CBP AMO to assist in matters, to include training, related to emergency humanitarian and law enforcement capacity building efforts.

Subsection (c) authorizes the Secretary of Homeland Security to expend funds that have been appropriated or otherwise made available to pay for tort claims made against the United States, thus providing a vehicle for DHS to provide compensation for injuries and/or damages arising from extraterritorial operations conducted by CBP AMO with partner nations. Tort claims may be allowed such that they are presented to DHS within two years of the incident producing said claim. Furthermore, this sections requires that the Secretary of Homeland Security, not later than 90 days following the conclusion of the five year sunset provision, submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate detailing matters relating to the payment of tort claims made pursuant to this Act. This report shall detail the person and/or entity in receipt of payment, the amount of payment received by such person or entity, the country in which such person or entity resides or has its principal place of business, and a detailed account of the incident in which gave rise to and justifies the payment of the tort claim.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY

* * * * *

Subtitle B—U.S. Customs and Border Protection

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

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

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

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

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

(c) DUTIES.—The Commissioner shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) in coordination with the Under Secretary for Management of the Department, ensure U.S. Customs and Border Protection complies with Federal law, the Federal Acquisition Reg-

ulation, and the Department's acquisition management directives for major acquisition programs of U.S. Customs and Border Protection;

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

(14) enforce and administer—

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

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

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

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

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

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

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

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

(e) U.S. BORDER PATROL.—

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

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

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

(B) report to the Commissioner.

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

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

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

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

(f) AIR AND MARINE OPERATIONS.—

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

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

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

(A) serve as the law enforcement office within U.S. Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States in the air and maritime environment;

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

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

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

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

(4) *PERMISSIBLE ACTIVITIES.*—

(A) *IN GENERAL.*—*Employees of U.S. Customs and Border Protection designated with the authorities granted to officers and agents of Air and Marine Operations may provide the support described in subparagraph (B) to the government of a foreign country, including by conducting joint operations with appropriate government officials within the territory of such country, if an arrangement has been entered into between the Government of the United States and the government of such country that permits such support.*

(B) *SUPPORT DESCRIBED.*—

(i) *IN GENERAL.*—*The support described in this subparagraph is support for the following:*

(I) *The monitoring, locating, tracking, and deterrence of the following:*

(aa) *Illegal drugs to the United States.*

(bb) *The illicit smuggling of persons and goods into the United States.*

(cc) *Terrorist threats to the United States.*

(dd) *Other threats to the security or economy of the United States.*

(II) *Emergency humanitarian efforts.*

(III) *Law enforcement capacity-building efforts.*

(ii) *DEFINITION.*—*In this subparagraph, the term “emergency humanitarian efforts” means activities carried out by U.S. Customs and Border Protection pertaining to search and rescue activities, medical assistance, air traffic control assistance, and transport necessary to accomplish such purposes.*

(C) *PAYMENT OF CLAIMS.*—

(i) *IN GENERAL.*—*Subject to clauses (ii) and (iv), the Secretary may expend funds that have been appropriated or otherwise made available for the operating expenses of the Department to pay claims for money damages against the United States, in accordance with the first paragraph of section 2672 of title 28, United States Code, which arise in a foreign country in connection with U.S. Customs and Border Protection operations in such country.*

(ii) *SUBMISSION DEADLINE.*—A claim may be allowed under clause (i) only if such claim is presented not later than two years after the date of the incident that gives rise to such claim.

(iii) *REPORT.*—Not later than 90 days after the date on which the expenditure authority under clause (i) expires pursuant to clause (iv), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that describes, for each of the payments made pursuant to such clause (i), the following:

(I) The person or entity that received such payment.

(II) The amount paid to such person or entity.

(III) The country in which such person or entity resides or has its principal place of business.

(IV) A detailed account of the circumstances to justify such payment.

(iv) *SUNSET.*—The expenditure authority under clause (i) shall expire on the date that is five years after the date of the enactment of this subparagraph.

[(4)] (5) AIR AND MARINE OPERATIONS CENTER.—

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

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

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

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

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

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

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

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

(g) OFFICE OF FIELD OPERATIONS.—

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

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

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

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

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

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

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

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

(F) coordinate with the Executive Assistant Commissioner for the Office of Trade with respect to the trade facilitation and trade enforcement activities of U.S. Customs and Border Protection; and

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

(4) NATIONAL TARGETING CENTER.—

(A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.

(B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to the Executive Assistant Commissioner of the Office of Field Operations.

(C) DUTIES.—The National Targeting Center shall—

(i) serve as the primary forum for targeting operations within U.S. Customs and Border Protection to collect and analyze traveler and cargo information in advance of arrival in the United States to identify and address security risks and strengthen trade enforcement;

(ii) identify, review, and target travelers and cargo for examination;

(iii) coordinate the examination of entry and exit of travelers and cargo;

(iv) develop and conduct commercial risk assessment targeting with respect to cargo destined for the United States;

(v) coordinate with the Transportation Security Administration, as appropriate;

(vi) issue Trade Alerts pursuant to section 111(b) of the Trade Facilitation and Trade Enforcement Act of 2015; and

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

(5) ANNUAL REPORT ON STAFFING.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter, the Executive Assistant Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on the staffing model for the Office of Field Operations, including information on how many supervisors, front-line U.S. Customs and Border Protection officers, and support

personnel are assigned to each Field Office and port of entry.

(B) FORM.—The report required under subparagraph (A) shall, to the greatest extent practicable, be submitted in unclassified form, but may be submitted in classified form, if the Executive Assistant Commissioner determines that such is appropriate and informs the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the reasoning for such.

(h) OFFICE OF INTELLIGENCE.—

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

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

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

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

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

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

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

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

(i) OFFICE OF INTERNATIONAL AFFAIRS.—

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

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

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

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

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

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

(D) provide necessary capacity building, training, and assistance to foreign customs and border control agencies to

strengthen border, global supply chain, and travel security, as appropriate;

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

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

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

(H) advise the Commissioner with respect to matters arising in the World Customs Organization and other international organizations as such matters relate to the policies and procedures of U.S. Customs and Border Protection;

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

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

(j) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

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

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

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

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

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

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

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

(k) STANDARD OPERATING PROCEDURES.—

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

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

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

(C) uniform, standardized, and publicly-available procedures for processing and investigating complaints against officers, agents, and employees of U.S. Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance

with section 552a of title 5, United States Code (commonly referred to as the “Privacy Act” or the “Privacy Act of 1974”);

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

(E) standard operating procedures, acting through the Executive Assistant Commissioner for Air and Marine Operations and in coordination with the Office for Civil Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

(i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;

(ii) a formal procedure to determine whether to approve or deny such a mission request;

(iii) a formal procedure to determine how such mission requests are prioritized and coordinated; and

(iv) a process regarding the protection and privacy of data and images collected by U.S. Customs and Border Protection through the use of unmanned aerial systems.

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

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

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

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

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

(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer, during each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, an auditing mechanism to review whether searches of electronic de-

vices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and shall include the following:

- (A) A description of the activities of officers and agents of U.S. Customs and Border Protection with respect to such searches.
 - (B) The number of such searches.
 - (C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.
 - (D) The number of such devices detained as the result of such searches.
 - (E) The number of instances in which information collected from such devices was subjected to such searches and was transmitted to another Federal agency, including whether such transmissions resulted in a prosecution or conviction.
- (6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard use of force procedures established pursuant to subparagraph (B) of paragraph (1) shall require—
- (A) in the case of an incident of the use of deadly force by U.S. Customs and Border Protection personnel, the Commissioner to notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and
 - (B) the Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation.
- (7) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report, for each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, that reviews whether the use of unmanned aerial systems is being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—
- (A) shall be submitted with the annual budget of the United States Government submitted by the President under section 1105 of title 31, United States Code;
 - (B) may be submitted in classified form if the Commissioner determines that such is appropriate; and
 - (C) shall include—
 - (i) a detailed description of how, where, and for how long data and images collected through the use of un-

manned aerial systems by U.S. Customs and Border Protection are collected and stored; and

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

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

(m) SHORT-TERM DETENTION STANDARDS.—

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

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

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

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

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

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

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

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

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

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

(n) WAIT TIMES TRANSPARENCY.—

(1) IN GENERAL.—The Commissioner shall—

(A) publish live wait times for travelers entering the United States at the 20 United States airports that support the highest volume of international travel (as determined by available Federal flight data);

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

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

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

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

(o) OTHER AUTHORITIES.—

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

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

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

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

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

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

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