

Suspend the Rules and Pass the Bill, H.R. 3586, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2015

Mrs. MILLER of Michigan (for herself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to improve border and maritime security coordination in the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

3 **SEC. 2. U.S. CUSTOMS AND BORDER PROTECTION COORDI-**
4 **NATION.**

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

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

9 “(a) IN GENERAL.—There is established within U.S.
10 Customs and Border Protection a program to be known
11 as the Immigration Cooperation Program. Under the Pro-
12 gram, U.S. Customs and Border Protection officers, pur-
13 suant to an arrangement with the government of a foreign
14 country, may cooperate with authorities of that govern-
15 ment, air carriers, and security employees at airports lo-
16 cated in that country, to identify persons who may be in-

1 admissible to the United States or otherwise pose a risk
2 to border security.

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

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

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

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

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

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

22 “(6) conduct other activities, as appropriate, to
23 protect the international borders of the United
24 States and facilitate the enforcement of United

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(G) Foreign law enforcement partners.

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

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

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

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

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

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

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

24 “(d) OPERATION.—

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 420. Immigration cooperation program.

“Sec. 420A. Air cargo advance screening.

“Sec. 420B. U.S. Customs and Border Protection Office of Air and Marine Operations asset deployment.

“Sec. 420C. Integrated Border Enforcement Teams.”.

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

10 **SEC. 3. BORDER AND MARITIME SECURITY EFFICIENCIES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(3) submit to such Committees—

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

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

15 “(j) JOINT DUTY TRAINING PROGRAM.—

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

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

1 “(A) National strategy.

2 “(B) Strategic and contingency planning.

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

5 “(D) International engagement.

6 “(E) The Homeland Security Enterprise.

7 “(F) Border security.

8 “(G) Interagency collaboration.

9 “(H) Leadership.

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

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

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

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

23 “(4) TRAINING REQUIRED.—

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

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

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

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

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

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

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

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

24 “(4) cybersecurity.

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

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

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

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

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

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

8 “(m) NOTIFICATION.—

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

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

25 “(n) REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 434. Border Security Joint Task Forces.

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

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

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

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

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

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

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

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

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

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

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

1 “(c) LIMITATIONS.—

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

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

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

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

24 “(d) FEE.—

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

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

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

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

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

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

9 “(e) DEPOSIT OF FUNDS.—

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

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

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

9 “(f) TERMINATION.—

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

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

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

7 “(g) ANNUAL REPORT.—The Commissioner of U.S.
8 Customs and Border Protection shall submit to the Com-
9 mittee on Homeland Security and the Committee on Ap-
10 propriations of the House of Representatives and the
11 Committee on Homeland Security and Governmental Af-
12 fairs and the Committee on Appropriations of the Senate
13 an annual report identifying the activities undertaken and
14 the agreements entered into pursuant to this section.

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

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

20 “(a) PERSONAL PROPERTY DONATION AUTHOR-
21 ITY.—

22 “(1) IN GENERAL.—The Commissioner of U.S.
23 Customs and Border Protection, in consultation with
24 the Administrator of General Services, may enter
25 into an agreement with any entity to accept a dona-

1 tion of personal property, money, or nonpersonal
2 services for uses described in paragraph (3) only
3 with respect to the following locations at which U.S.
4 Customs and Border Protection performs or will be
5 performing inspection services:

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

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

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

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

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

18 “(2) LIMITATION ON MONETARY DONATIONS.—
19 Any monetary donation accepted pursuant to this
20 subsection may not be used to pay the salaries of
21 U.S. Customs and Border Protection employees per-
22 forming inspection services.

23 “(3) USE.—Donations accepted pursuant to
24 this subsection may be used for activities related to
25 a new or existing sea or air port of entry or a new

1 or existing Federal Government-owned land port of
2 entry described in paragraph (1), including expenses
3 related to—

4 “(A) furniture, fixtures, equipment, or
5 technology, including installation or the deploy-
6 ment thereof; and

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

9 “(b) REAL PROPERTY DONATION AUTHORITY.—

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

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

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

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

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

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

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

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

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

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

23 “(4) SUNSET.—

24 “(A) IN GENERAL.—The authority to enter
25 into an agreement under this subsection shall

1 terminate on the date that is five years after
2 the date of the enactment of this subsection.

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

9 “(c) GENERAL PROVISIONS.—

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

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

21 “(A) Selection and evaluation of donors.

22 “(B) Identification of roles and responsibil-
23 ities between U.S. Customs and Border Protec-
24 tion, the General Services Administration, as
25 applicable, and donors.

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

5 “(C) Decision-making and dispute resolu-
6 tion processes.

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

14 “(3) EVALUATION PROCEDURES.—

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

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

22 “(ii) make such criteria publicly avail-
23 able.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **“SEC. 484. DEFINITIONS.**

9 “In this subtitle:

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

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

14 “(A) person;

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

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

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

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

- 1 amended by adding at the end of the list of items relating
2 to title IV the following new items:

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

“Sec. 481. Fee agreements for certain services at ports of entry.

“Sec. 482. Port of entry donation authority.

“Sec. 483. Current and proposed agreements.

“Sec. 484. Definitions.”.

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

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

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

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

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

- 17 “(b) DIRECTOR.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(d) CHIEF TECHNOLOGY OFFICER.—

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

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

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

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

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

11 “(e) OTHER AUTHORITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (B) The number of personnel assigned.

15 (C) The total number of units.

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

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

20 (i) The Coast Guard.

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

23 (iii) Other Federal departments or
24 agencies.

25 (iv) State agencies.

1 (v) Local agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (3) by striking paragraph (2).

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

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

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

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

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

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

25 “(i) identity; and

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

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

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

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

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

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

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

3 **SEC. 14. REPEALS.**

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

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

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

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

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

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

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

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

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

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