

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3846  
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “United States Customs  
3 and Border Protection Authorization Act”.

4 **SEC. 2. ESTABLISHMENT OF UNITED STATES CUSTOMS AND**  
5 **BORDER PROTECTION.**

6       (a) IN GENERAL.—Section 411 of the Homeland Se-  
7 curity Act of 2002 (6 U.S.C. 211) is amended to read  
8 as follows:

9 **“SEC. 411. ESTABLISHMENT OF UNITED STATES CUSTOMS**  
10 **AND BORDER PROTECTION; COMMISSIONER,**  
11 **DEPUTY COMMISSIONER, AND OPERATIONAL**  
12 **OFFICES.**

13       “(a) IN GENERAL.—There is established in the De-  
14 partment an agency to be known as United States Cus-  
15 toms and Border Protection.

16       “(b) COMMISSIONER OF UNITED STATES CUSTOMS  
17 AND BORDER PROTECTION.—There shall be at the head  
18 of United States Customs and Border Protection a Com-

1 missioner of United States Customs and Border Protec-  
2 tion (in this section referred to as the ‘Commissioner’),  
3 who shall be appointed by the President, by and with the  
4 advice and consent of the Senate.

5 “(c) DUTIES.—The Commissioner shall—

6 “(1) ensure the interdiction of persons and  
7 goods illegally entering or exiting the United States;

8 “(2) facilitate and expedite the flow of legiti-  
9 mate travelers and trade;

10 “(3) detect, respond to, and interdict terrorists,  
11 drug smugglers and traffickers, human smugglers  
12 and traffickers, criminals, and other persons who  
13 may undermine the security of the United States;

14 “(4) safeguard the borders of the United States  
15 to protect against the entry of dangerous goods;

16 “(5) oversee the functions of the Office of  
17 International Trade established under section 402 of  
18 the Security and Accountability for Every Port Act  
19 of 2006 (19 U.S.C. 2072; Public Law 109–347);

20 “(6) enforce and administer all customs laws of  
21 the United States, including the Tariff Act of 1930;

22 “(7) enforce and administer all immigration  
23 laws, as such term is defined in paragraph (17) of  
24 section 101(a) of the Immigration and Nationality  
25 Act (8 U.S.C. 1101(a)), in coordination with United

1 States Immigration and Customs Enforcement and  
2 United States Citizenship and Immigration Services;

3 “(8) develop and implement screening and tar-  
4 geting capabilities, including the screening, review-  
5 ing, identifying, and prioritizing of passengers and  
6 cargo across all international modes of transpor-  
7 tation, both inbound and outbound;

8 “(9) enforce and administer the laws relating to  
9 agricultural import and entry inspection referred to  
10 in section 421 of the Homeland Security Act of  
11 2002 (6 U.S.C. 231);

12 “(10) establish the standard operating proce-  
13 dures described in subsection (k);

14 “(11) carry out the training required under  
15 subsection (l); and

16 “(12) carry out the duties and powers pre-  
17 scribed by law or delegated by the Secretary.

18 “(d) DEPUTY COMMISSIONER.—There shall be in  
19 United States Customs and Border Protection a Deputy  
20 Commissioner who shall assist the Commissioner in the  
21 management of United States Customs and Border Pro-  
22 tection.

23 “(e) UNITED STATES BORDER PATROL.—

1           “(1) IN GENERAL.—There is established in  
2 United States Customs and Border Protection the  
3 United States Border Patrol.

4           “(2) CHIEF.—There shall be at the head of the  
5 United States Border Patrol a Chief, who shall be  
6 a uniformed law enforcement officer chosen from the  
7 ranks of the United States Border Patrol and who  
8 shall report to the Commissioner.

9           “(3) DUTIES.—The United States Border Pa-  
10 trol shall—

11               “(A) serve as the law enforcement office of  
12 United States Customs and Border Protection  
13 with primary responsibility for interdicting per-  
14 sons attempting to illegally enter or exit the  
15 United States or goods being illegally imported  
16 to or exported from the United States at a  
17 place other than a designated port of entry;

18               “(B) deter and prevent illegal entry of ter-  
19 rorists, terrorist weapons, persons, and contra-  
20 band; and

21               “(C) carry out other duties and powers  
22 prescribed by the Commissioner, or otherwise  
23 authorized in law.

24           “(f) OFFICE OF AIR AND MARINE.—

1           “(1) IN GENERAL.—There is established in  
2           United States Customs and Border Protection an  
3           Office of Air and Marine.

4           “(2) ASSISTANT COMMISSIONER.—There shall  
5           be at the head of the Office of Air and Marine an  
6           Assistant Commissioner, who shall report to the  
7           Commissioner.

8           “(3) DUTIES.—The Office of Air and Marine  
9           shall—

10                   “(A) serve as the law enforcement office  
11                   within United States Customs and Border Pro-  
12                   tection with primary responsibility to detect,  
13                   interdict, and prevent acts of terrorism and the  
14                   unlawful movement of people, illicit drugs, and  
15                   other contraband across the borders of the  
16                   United States in the air and maritime environ-  
17                   ment;

18                   “(B) oversee the acquisition, maintenance,  
19                   and operational use of United States Customs  
20                   and Border Protection integrated air and ma-  
21                   rine forces;

22                   “(C) provide aviation and marine support  
23                   for other Federal, State, and local law enforce-  
24                   ment agency needs, as appropriate; and

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

3           “(g) OFFICE OF FIELD OPERATIONS.—

4           “(1) IN GENERAL.—There is established in  
5           United States Customs and Border Protection an  
6           Office of Field Operations.

7           “(2) ASSISTANT COMMISSIONER.—There shall  
8           be at the head of the Office of Field Operations an  
9           Assistant Commissioner, who shall report to the  
10          Commissioner.

11          “(3) DUTIES.—The Office of Field Operations  
12          shall coordinate the enforcement activities of United  
13          States Customs and Border Protection at United  
14          States air, land, and sea ports of entry to—

15                 “(A) deter and prevent terrorists and ter-  
16                 rorist weapons from entering the United States  
17                 at such ports of entry;

18                 “(B) conduct inspections at such ports of  
19                 entry to safeguard the United States from ter-  
20                 rorism and illegal entry of persons;

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

1           “(D) in coordination with the Commis-  
2           sioner, facilitate and expedite the flow of legiti-  
3           mate travelers and trade;

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

6           “(F) carry out other duties and powers  
7           prescribed by the Commissioner.

8           “(4) NATIONAL TARGETING CENTER.—

9           “(A) IN GENERAL.—There is established in  
10          the Office of Field Operations a National Tar-  
11          geting Center.

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

17          “(C) DUTIES.—The National Targeting  
18          Center shall—

19                 “(i) serve as the primary forum for  
20                 targeting operations within United States  
21                 Customs and Border Protection to collect  
22                 and analyze traveler and cargo information  
23                 in advance of arrival in the United States;

24                 “(ii) identify, review, and target trav-  
25                 elers and cargo for examination;

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

3                   “(iv) carry out other duties and pow-  
4                   ers prescribed by the Assistant Commis-  
5                   sioner.

6           “(h) OFFICE OF INTELLIGENCE AND INVESTIGATIVE  
7   LIAISON.—

8                   “(1) IN GENERAL.—There is established in  
9                   United States Customs and Border Protection an  
10                  Office of Intelligence and Investigative Liaison.

11                  “(2) ASSISTANT COMMISSIONER.—There shall  
12                  be at the head of the Office of Intelligence and In-  
13                  vestigative Liaison an Assistant Commissioner, who  
14                  shall report to the Commissioner.

15                  “(3) DUTIES.—The Office of Intelligence and  
16                  Investigative Liaison shall—

17                          “(A) develop, provide, coordinate, and im-  
18                          plement intelligence capabilities into a cohesive  
19                          intelligence enterprise to support the execution  
20                          of the United States Customs and Border Pro-  
21                          tection duties and responsibilities;

22                          “(B) collect and analyze advance traveler  
23                          and cargo information;

24                          “(C) establish, in coordination with the  
25                          Chief Intelligence Officer of the Department, as

1 appropriate, intelligence-sharing relationships  
2 with Federal, State, local, and tribal agencies  
3 and intelligence agencies; and

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

6 “(i) OFFICE OF INTERNATIONAL AFFAIRS.—

7 “(1) IN GENERAL.—There is established in  
8 United States Customs and Border Protection an  
9 Office of International Affairs.

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

14 “(3) DUTIES.—The Office of International Af-  
15 fairs, in collaboration with the Office of Inter-  
16 national Affairs of the Department, shall—

17 “(A) coordinate and support United States  
18 Customs and Border Protection’s foreign initia-  
19 tives, policies, programs, and activities;

20 “(B) coordinate and support United States  
21 Customs and Border Protection’s personnel sta-  
22 tioned abroad;

23 “(C) maintain partnerships and informa-  
24 tion sharing agreements with foreign govern-  
25 ments, international organizations, and United

1 States agencies in support of United States  
2 Customs and Border Protection duties and re-  
3 sponsibilities;

4 “(D) provide necessary capacity building,  
5 training, and assistance to foreign border con-  
6 trol agencies to strengthen global supply chain  
7 and travel security;

8 “(E) coordinate mission support services to  
9 sustain United States Customs and Border Pro-  
10 tection’s global activities;

11 “(F) coordinate, in collaboration with the  
12 Office of Policy of the Department, as appro-  
13 priate, United States Customs and Border Pro-  
14 tection’s engagement in international negotia-  
15 tions; and

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

18 “(j) OFFICE OF INTERNAL AFFAIRS.—

19 “(1) IN GENERAL.—There is established in  
20 United States Customs and Border Protection an  
21 Office of Internal Affairs.

22 “(2) ASSISTANT COMMISSIONER.—There shall  
23 be at the head of the Office of Internal Affairs an  
24 Assistant Commissioner, who shall report to the  
25 Commissioner.

1           “(3) DUTIES.—The Office of Internal Affairs  
2 shall—

3           “(A) investigate criminal and administra-  
4 tive matters and misconduct by officers, agents,  
5 and other employees of United States Customs  
6 and Border Protection;

7           “(B) perform investigations of United  
8 States Customs and Border Protection appli-  
9 cants and periodic reinvestigations (in accord-  
10 ance with section 3001 of the Intelligence Re-  
11 form and Terrorism Prevention Act of 2004 (50  
12 U.S.C. 3341; Public Law 108–458)) of officers,  
13 agents, and other employees of United States  
14 Custom and Border Protection, including inves-  
15 tigation to determine suitability for employ-  
16 ment and eligibility for access to classified in-  
17 formation;

18           “(C) conduct polygraph examinations in  
19 accordance with section 3(1) of the Anti-Cor-  
20 ruption Border Act of 2010 (Public Law 111–  
21 376);

22           “(D) perform inspections of United States  
23 Customs and Border Protection programs, op-  
24 erations, and offices;

1           “(E) conduct covert testing of United  
2 States Customs and Border Protection oper-  
3 ations;

4           “(F) manage integrity of United States  
5 Customs and Border Protection counter-intel-  
6 ligence operations, including conduct of  
7 counter-intelligence investigations;

8           “(G) conduct research and analysis regard-  
9 ing misconduct of officers, agents, and other  
10 employees of United States Customs and Bor-  
11 der Protection; and

12           “(H) carry out other duties and powers  
13 prescribed by the Commissioner.

14           “(k) STANDARD OPERATING PROCEDURES.—

15           “(1) IN GENERAL.—The Commissioner of  
16 United States Customs and Border Protection shall  
17 establish—

18           “(A) standard operating procedures for  
19 searching, reviewing, retaining, and sharing in-  
20 formation contained in communication, elec-  
21 tronic, or digital devices encountered by United  
22 States Customs and Border Protection per-  
23 sonnel at or between United States ports of  
24 entry;

1           “(B) standard use of force procedures, in-  
2           cluding the use of deadly force, officers and  
3           agents of United States Customs and Border  
4           Protection may employ in the execution of their  
5           duties; and

6           “(C) a uniform, standardized, and pub-  
7           lically-available complaint process regarding  
8           complaints against officers, agents, and employ-  
9           ees of United States Customs and Border Pro-  
10          tection for violations of professional conduct, in-  
11          cluding the timely disposition of complaints and  
12          a written notification to the complainant of the  
13          status or outcome, as appropriate, of the re-  
14          lated investigation, in accordance with section  
15          552a of title 5, United States Code (commonly  
16          referred to as the ‘Privacy Act’ or the ‘Privacy  
17          Act of 1974’).

18          “(2) REQUIREMENTS REGARDING CERTAIN NO-  
19          TIFICATIONS.—The standard operating procedures  
20          established pursuant to subparagraph (A) of para-  
21          graph (1) shall require—

22                 “(A) in the case of a search of information  
23                 conducted on an electronic device by United  
24                 States Customs and Border Protection per-  
25                 sonnel, the Commissioner of United States Cus-

1           toms and Border Protection to notify the indi-  
2           vidual subject to such search of the purpose  
3           and authority for such search, and how such in-  
4           dividual may obtain information on reporting  
5           concerns about such search; and

6           “(B) in the case of information collected  
7           by United States Customs and Border Protec-  
8           tion through a search of an electronic device, if  
9           such information is transmitted to another Fed-  
10          eral agency for subject matter assistance, trans-  
11          lation, or decryption, the Commissioner of  
12          United States Customs and Border Protection  
13          to notify the individual subject to such search  
14          of such transmission.

15          “(3) EXCEPTIONS.—

16                 “(A) IN GENERAL.—The Commissioner of  
17                 United States Customs and Border may with-  
18                 hold the notifications required under para-  
19                 graphs (1)(C) and (2) if the Commissioner de-  
20                 termines that such notifications would impair  
21                 national security, law enforcement, or other  
22                 operational interests.

23                 “(B) TERRORIST WATCH LISTS.—

24                         “(i) SEARCHES.—If the individual  
25                         subject to search of an electronic device

1           pursuant to subparagraph (A) of para-  
2           graph (1) is included on a Government-op-  
3           erated or Government-maintained terrorist  
4           watch list, the notifications required under  
5           paragraph (2) shall not apply.

6           “(ii) COMPLAINTS.—If the complain-  
7           ant using the process established under  
8           subparagraph (C) of paragraph (1) is in-  
9           cluded on a Government-operated or Gov-  
10          ernment-maintained terrorist watch list,  
11          the notification required under such sub-  
12          paragraph shall not apply.

13          “(4) UPDATE AND REVIEW.—The Commis-  
14          sioner of United States Customs and Border Protec-  
15          tion shall review and update every three years the  
16          standard operating procedures required under this  
17          subsection.

18          “(l) TRAINING.—The Commissioner of United States  
19          Customs and Border Protection shall require all agents  
20          and officers of United States Customs and Border Protec-  
21          tion to participate in a specified amount of continuing  
22          education (to be determined by the Commissioner) to  
23          maintain an understanding of Federal legal rulings, court  
24          decisions, and departmental policies, procedures, and  
25          guidelines.

1 “(m) OTHER AUTHORITIES.—

2 “(1) IN GENERAL.—The Secretary may estab-  
3 lish such other offices or Assistant Commissioners  
4 (or other similar officials) as the Secretary deter-  
5 mines necessary to carry out the missions, duties,  
6 functions, and authorities of United States Customs  
7 and Border Protection.

8 “(2) NOTIFICATION.—If the Secretary exercises  
9 the authority provided pursuant to paragraph (1),  
10 the Secretary shall notify the appropriate congres-  
11 sional committees not later than 30 days before ex-  
12 ercising such authority.

13 “(n) OTHER FEDERAL AGENCIES.—Nothing in this  
14 section may be construed as affecting in any manner the  
15 existing authority of any other Federal agency, including  
16 the Transportation Security Administration with respect  
17 to the duties of United States Customs and Border Pro-  
18 tection described in subsection (c).”.

19 (b) SPECIAL RULES.—

20 (1) TREATMENT.—Section 411 of the Home-  
21 land Security Act of 2002, as amended by subsection  
22 (a) of this section, shall be treated as if included in  
23 such Act as of the date of the enactment of such  
24 Act, and, in addition to the functions, missions, du-  
25 ties, and authorities specified in such amended sec-

1       tion 411, United States Customs and Border Protec-  
2       tion shall continue to perform and carry out the  
3       functions, missions, duties, and authorities under  
4       section 411 of such Act as in existence on the day  
5       before such date of enactment, and section 415 of  
6       such Act.

7               (2) RULES OF CONSTRUCTION.—

8               (A) RULES AND REGULATIONS.—Notwith-  
9       standing paragraph (1), nothing in this Act  
10       may be construed as affecting in any manner  
11       any rule or regulation issued or promulgated  
12       pursuant to any provision of law, including sec-  
13       tion 411 of the Homeland Security Act of 2002  
14       as in existence on the day before the date of the  
15       enactment of this Act, and any such rule or  
16       regulation shall continue to have full force and  
17       effect on and after such date.

18              (B) OTHER ACTIONS.—Notwithstanding  
19       paragraph (1), nothing in this Act may be con-  
20       strued as affecting in any manner any action,  
21       determination, policy, or decision pursuant to  
22       section 411 of the Homeland Security Act of  
23       2002 as in existence on the day before the date  
24       of the enactment of this Act, and any such ac-  
25       tion, determination, policy, or decision shall

1           continue to have full force and effect on and  
2           after such date.

3           (c) CONTINUATION IN OFFICE.—

4           (1) COMMISSIONER.—The individual serving as  
5           the Commissioner of Customs on the day before the  
6           date of the enactment of this Act may serve as the  
7           Commissioner of United States Customs and Border  
8           Protection on and after such date of enactment until  
9           a Commissioner of United States Customs and Bor-  
10          der Protection is appointed under section 411 of the  
11          Homeland Security Act of 2002, as amended by sub-  
12          section (a) of this section.

13          (2) OTHER POSITIONS.—The individuals serv-  
14          ing as Assistant Commissioners and other officers  
15          and officials under section 411 of the Homeland Se-  
16          curity Act of 2002 on the day before the date of the  
17          enactment of this Act may serve as the appropriate  
18          Assistant Commissioners and other officers and offi-  
19          cials under such section 411 as amended by sub-  
20          section (a) of this section unless the Commissioner  
21          of United States Customs and Border Protection de-  
22          termines that another individual should hold such  
23          position.

24          (d) REFERENCE.—

1           (1) TITLE 5.—Section 5314 of title 5, United  
2 States Code, is amended by striking “Commissioner  
3 of Customs, Department of Homeland Security” and  
4 inserting “Commissioner of United States Customs  
5 and Border Protection, Department of Homeland  
6 Security”.

7           (2) OTHER REFERENCES.—On and after the  
8 date of the enactment of this Act, any reference in  
9 law or regulations to the “Commissioner of Customs  
10 toms” or the “Commissioner of the Customs Service”  
11 shall be deemed to be a reference to the Commissioner  
12 of United States Customs and Border  
13 Protection.

14           (e) CLERICAL AMENDMENT.—The table of contents  
15 in section 1(b) of the Homeland Security Act of 2002 (6  
16 U.S.C. 101 et seq.) is amended by striking the item relating  
17 to section 411 and inserting the following new item:

“SEC. 411. Establishment of United States Customs and Border Protection;  
Commissioner, Deputy Commissioner, and operational offices.”.

18 **SEC. 3. REPEALS.**

19           Sections 416, 418, and 443 of the Homeland Security  
20 Act of 2002 (6 U.S.C. 216, 218, and 253), and the items  
21 relating to such sections in the table of contents in section  
22 1(b) of such Act, are repealed.

1 **SEC. 4. CLERICAL AND CONFORMING AMENDMENTS.**

2 (a) IN GENERAL.—The Homeland Security Act of  
3 2002 (6 U.S.C. 101 et seq.) is amended—

4 (1) in title I—

5 (A) in section 102(f)(10) (6 U.S.C.  
6 112(f)(10)), by striking “the Directorate of  
7 Border and Transportation Security” and in-  
8 serting “Commissioner of United States Cus-  
9 toms and Border Protection”; and

10 (B) in section 103(a)(1) (6 U.S.C.  
11 113(a)(1))—

12 (i) in subparagraph (C), by striking  
13 “An Under Secretary for Border and  
14 Transportation Security.” and inserting  
15 “A Commissioner of United States Cus-  
16 toms and Border Protection.”; and

17 (ii) in subparagraph (G), by striking  
18 “A Director of the Office of Counter-  
19 narcotics Enforcement.” and inserting “A  
20 Director for United States Immigration  
21 and Customs Enforcement.”;

22 (2) in title IV—

23 (A) by striking the title heading and in-  
24 serting “**BORDER, MARITIME, AND**  
25 **TRANSPORTATION SECURITY**”; and

26 (B) in subtitle A—

- 1 (i) by striking the subtitle heading  
2 and inserting “**Border, Maritime, and**  
3 **Transportation Security Respon-**  
4 **sibilities and Functions**”; and
- 5 (ii) in section 402 (6 U.S.C. 202)—
- 6 (I) in the section heading, by  
7 striking “**RESPONSIBILITIES**” and  
8 inserting “**BORDER, MARITIME,**  
9 **AND TRANSPORTATION RESPON-**  
10 **SIBILITIES**”; and
- 11 (II) by striking “, acting through  
12 the Under Secretary for Border and  
13 Transportation Security,”;
- 14 (C) in subtitle B—
- 15 (i) by striking the subtitle heading  
16 and inserting “**United States Cus-**  
17 **toms and Border Protection**”;
- 18 (ii) in section 412(b) (6 U.S.C. 212),  
19 by striking “United States Customs Serv-  
20 ice” each place it appears and inserting  
21 “United States Customs and Border Pro-  
22 tection”;
- 23 (iii) in section 413 (6 U.S.C. 213), by  
24 striking “available to the United States  
25 Customs Service or”;

1 (iv) in section 414 (6 U.S.C. 214), by  
2 striking “United States Customs Service”  
3 and inserting “United States Customs and  
4 Border Protection”; and

5 (v) in section 415 (6 U.S.C. 215)—

6 (I) in paragraph (7), by inserting  
7 before the colon the following: “, and  
8 of United States Customs and Border  
9 Protection on the day before the effec-  
10 tive date of the United States Cus-  
11 toms and Border Protection Author-  
12 ization Act”; and

13 (II) in paragraph (8), by insert-  
14 ing before the colon the following: “,  
15 and of United States Customs and  
16 Border Protection on the day before  
17 the effective date of the United States  
18 Customs and Border Protection Au-  
19 thorization Act”;

20 (D) in subtitle C—

21 (i) by striking section 424 (6 U.S.C.  
22 234) and inserting the following new sec-  
23 tion:

1 **“SEC. 424. PRESERVATION OF TRANSPORTATION SECURITY**  
2 **ADMINISTRATION AS A DISTINCT ENTITY.**

3 “Notwithstanding any other provision of this Act, the  
4 Transportation Security Administration shall be main-  
5 tained as a distinct entity within the Department.”; and

6 (ii) in section 430 (6 U.S.C. 238)—

7 (I) by amending subsection (a) to  
8 read as follows:

9 “(a) ESTABLISHMENT.—There is established in the  
10 Department an Office for Domestic Preparedness.”;

11 (II) in subsection (b), by striking  
12 the second sentence; and

13 (III) in subsection (c)(7), by  
14 striking “Directorate” and inserting  
15 “Department”; and

16 (E) in subtitle D—

17 (i) in section 441 (6 U.S.C. 251)—

18 (I) by striking the section head-  
19 ing and inserting “**TRANSFER OF**  
20 **FUNCTIONS**”; and

21 (II) by striking “Under Secretary  
22 for Border and Transportation Secu-  
23 rity” and inserting “Secretary”; and

24 (ii) by amending section 444 (6  
25 U.S.C. 254) to read as follows:

1 **“SEC. 444. EMPLOYEE DISCIPLINE.**

2 “Notwithstanding any other provision of law, the Sec-  
3 retary may impose disciplinary action on any employee of  
4 United States Immigration and Customs Enforcement and  
5 United States Customs and Border Protection who will-  
6 fully deceives Congress or agency leadership on any mat-  
7 ter.”.

8 (b) CONFORMING AMENDMENTS.—Section 401 of the  
9 Homeland Security Act of 2002 (6 U.S.C. 201) is re-  
10 pealed.

11 (c) CLERICAL AMENDMENTS.—The table of contents  
12 in section 1(b) of the Homeland Security Act of 2002 is  
13 amended—

14 (1) by striking the item relating to title IV and  
15 inserting the following:

“TITLE IV—BORDER, MARITIME, AND TRANSPORTATION  
SECURITY”;

16 (2) by striking the item relating to subtitle A  
17 of title IV and inserting the following:

“Subtitle A—Border, Maritime, and Transportation Security Responsibilities  
and Functions”;

18 (3) by striking the item relating to section 401;

19 (4) by striking the item relating to subtitle B  
20 of title IV and inserting the following:

“Subtitle B—United States Customs and Border Protection”;

1 (5) by striking the item relating to section 441

2 and inserting the following:

“Sec. 441. Transfer of functions.”; and

3 (6) by striking the item relating to section 442

4 and inserting the following:

“Sec. 442. United States Immigration and Customs Enforcement.”.

