

115TH CONGRESS 1ST SESSION

H.R.3551

AN ACT

To amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes.

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

1 SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "C-TPAT Reauthoriza-
- 3 tion Act of 2017".
- 4 SEC. 2. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
- 5 RORISM.
- 6 (a) In General.—Subtitle B of title II of the Secu-
- 7 rity and Accountability for Every Port Act of 2006 (6
- 8 U.S.C. 961 et seq.) is amended to read as follows:

9 "Subtitle B—Customs-Trade

10 Partnership Against Terrorism

- 11 "SEC. 211. ESTABLISHMENT OF THE CUSTOMS-TRADE
- 12 PARTNERSHIP AGAINST TERRORISM PRO-
- 13 GRAM.
- 14 "(a) IN GENERAL.—There is established within U.S.
- 15 Customs and Border Protection a voluntary government-
- 16 private sector partnership program to be known as the
- 17 Customs-Trade Partnership Against Terrorism (C-
- 18 TPAT).
- 19 "(b) Purpose.—The purposes of the C-TPAT pro-
- 20 gram are to—
- 21 "(1) strengthen and improve the overall secu-
- 22 rity of the international supply chain and United
- 23 States border security;
- 24 "(2) facilitate the movement of secure cargo
- 25 through the international supply chain;
- 26 "(3) ensure compliance with applicable law; and

1	"(4) serve as the Authorized Economic Oper-					
2	ator program for the United States.					
3	"(c) DIRECTOR.—There shall be at the head of the					
4	C-TPAT program a Director, who shall report to the Ex					
5	ecutive Assistant Commissioner of the Office of Field Op					
6	erations (in this subtitle referred to as the 'Executive As					
7	sistant Commissioner') of U.S. Customs and Border Pro-					
8	tection.					
9	"(d) Duties.—The Director of the C-TPAT pro-					
10	gram shall—					
11	"(1) oversee the activities of the C-TPAT pro-					
12	gram, including certification of C-TPAT partici-					
13	pants;					
14	"(2) evaluate and make revisions to security					
15	criteria pursuant to subsections (c) and (d) of sec-					
16	tion 213;					
17	"(3) ensure that participants receive a tangible					
18	and measurable benefit for participation; and					
19	"(4) carry out other duties and powers pre-					
20	scribed by the Executive Assistant Commissioner.					
21	"SEC. 212. ELIGIBLE ENTITIES AND NOTICE OF BENEFITS.					
22	"(a) Eligible Entities.—Importers, exporters,					
23	customs brokers, forwarders, air, sea, and land carriers,					
24	contract logistics providers, and other entities in the inter-					
25	national supply chain and intermodal transportation sys-					

tem are eligible to apply for participation in the C-TPAT 2 program. 3 "(b) Tiered Participation.— 4 "(1) IN GENERAL.—Applicants may be eligible 5 to participate as Tier 1 or Tier 2 participants. 6 "(2) IMPORTERS.—Importers may be eligible to 7 participate as Tier 3 participants. EXTENSION.—The Executive Assistant 8 9 Commissioner may, in his or her discretion, extend 10 Tier 3 participation to other entity types, if appro-11 priate. 12 "(c) Notice of Benefits.— 13 "(1) In general.—The Commissioner of U.S. 14 Customs and Border Protection shall publish, on the 15 U.S. Customs and Border Protection website and 16 through other appropriate online publication, infor-17 mation about benefits to C-TPAT program partici-18 pants. 19 "(2) Changes.—The Commissioner of U.S. 20 Customs and Border Protection shall publish, on the 21 U.S. Customs and Border Protection website and 22 through other appropriate online publication, notice 23 of any changes to benefits to C-TPAT program par-24 ticipants not later than 30 days before any such 25 changes take effect.

1 "SEC. 213. PARTICIPATION ELIGIBILITY.

2	"(a) In General.—The Executive Assistant Com-					
3	missioner shall review all documentation submitted by an					
4	applicant pursuant to subsection (b)(2), conduct a back-					
5	ground investigation of such applicant, and vet such appli-					
6	cant.					
7	"(b) General Requirements.—To be eligible for					
8	participation in the C-TPAT program, an entity shall,					
9	a minimum—					
10	"(1) have a designated company employee au-					
11	thorized to bind such entity that is a direct company					
12	employee and will serve as the primary point of con-					
13	tact responsible for participation of such entity in					
14	the C-TPAT program;					
15	"(2) at the time of initial application and annu-					
16	ally thereafter, including in advance of any recertifi-					
17	cation or revalidation, submit an international sup-					
18	ply chain security profile, which shall identify how					
19	such entity meets the minimum security criteria of					
20	the C-TPAT program established by the Commis-					
21	sioner of U.S. Customs and Border Protection and					
22	how such entity will maintain and enhance internal					
23	policies, procedures, and practices related to inter-					
24	national supply chain security; and					
25	"(3) meet any specific requirements for eligible					
26	entities, as established by the Commissioner.					

- 1 "(c) MINIMUM SECURITY CRITERIA.—The Commis-
- 2 sioner of U.S. Customs and Border Protection shall estab-
- 3 lish minimum security criteria for participants in the C-
- 4 TPAT program, review such minimum security criteria
- 5 not less than once every 2 years, and update such min-
- 6 imum security criteria as necessary. Such minimum secu-
- 7 rity criteria shall seek to address security vulnerabilities
- 8 in the international supply chain.
- 9 "(d) Additional and Updated Criteria.—The
- 10 Commissioner of U.S. Customs and Border Protection
- 11 may establish additional and updated security criteria for
- 12 individual C-TPAT program participants, categories of
- 13 C-TPAT program participants, or particular entity types
- 14 to meet in order to address a security vulnerability in the
- 15 international supply chain.
- 16 "(e) Consultation.—When establishing or updat-
- 17 ing security criteria in accordance with subsection (c), and
- 18 when establishing additional or updated security criteria
- 19 in accordance subsection (d), the Commissioner of U.S.
- 20 Customs and Border Protection shall consult with C-
- 21 TPAT program participants and other interested parties,
- 22 and shall—
- 23 "(1) conduct a cost benefit analysis of such pro-
- posed new, additional, or updated security criteria in
- 25 consultation with the Commercial Customs Oper-

- 1 ations Advisory Committee established under section
- 2 109 of the Trade Facilitation and Trade Enforce-
- 3 ment Act of 2015 (Public Law 114–125; 19 U.S.C.
- 4 4316);
- 5 "(2) determine operational feasibility and,
- 6 where appropriate, conduct a phased implementation
- 7 of such proposed additional or updated security cri-
- 8 teria; and
- 9 "(3) provide C-TPAT program participants
- and other interested parties a 90-day comment pe-
- 11 riod to review and comment on such proposed addi-
- tional or updated security criteria.
- 13 "(f) Waiver.—The Commissioner of U.S. Customs
- 14 and Border Protection may waive the requirements of sub-
- 15 section (e) if the Commissioner determines there is a sig-
- 16 nificant and imminent risk to the national security of the
- 17 United States and such a waiver is necessary to protect
- 18 such national security. Not later than 120 days after the
- 19 issuance of any such waiver, the Commissioner shall an-
- 20 nounce on the U.S. Customs and Border Protection
- 21 website and through other appropriate online publication
- 22 the Commissioner's intent to either withdraw such waiver
- 23 or maintain such waiver while commencing efforts to es-
- 24 tablish minimum security criteria or establish additional

- 1 or update existing security criteria in accordance with sub-
- 2 section (c) or (d), respectively.
- 3 "SEC. 214. BENEFITS FOR C-TPAT PROGRAM PARTICI-
- 4 PANTS.
- 5 "(a) IN GENERAL.—The Executive Assistant Com-
- 6 missioner shall extend certain benefits to each C-TPAT
- 7 program participant. Minimum benefits for each such par-
- 8 ticipant shall include the following:
- 9 "(1) Assignment of a U.S. Customs and Border
- 10 Protection Supply Chain Security Specialist.
- 11 "(2) Access to the C-TPAT program's web-
- based Portal system and training materials.
- "(3) A periodic and unclassified update on re-
- gional and other relevant threats to the international
- supply chain.
- 16 "(b) Public Availability.—The Executive Assist-
- 17 ant Commissioner shall make publicly available on the C-
- 18 TPAT portal an annual assessment of the tangible bene-
- 19 fits being realized by C-TPAT program participants.
- 20 "(c) Annual Assessment.—The Executive Assist-
- 21 ant Commissioner shall conduct, on an annual basis, an
- 22 assessment of the benefits conferred to C-TPAT program
- 23 participants. The Executive Assistant Commissioner shall
- 24 determine a process to carry out such assessments, to in-
- 25 clude projected milestones and completion dates for ad-

- 1 dressing data reliability issues and, as necessary, cor-
- 2 recting data weaknesses, so that U.S. Customs and Border
- 3 Protection can produce accurate and reliable annual as-
- 4 sessments that can be compared year-to-year.

5 "SEC. 215. TIER 1 PARTICIPANTS.

- 6 "(a) Certification.—The Executive Assistant
- 7 Commissioner shall certify the security measures and
- 8 international supply chain security practices of all appli-
- 9 cants to and participants in the C-TPAT program in ac-
- 10 cordance with section 213(b)(2) and the guidelines re-
- 11 ferred to in subsection (c) of this section. Certified partici-
- 12 pants shall be Tier 1 participants.
- 13 "(b) Benefits for Tier 1 Participants.—Upon
- 14 completion of the certification under subsection (a), a C-
- 15 TPAT program participant shall be certified as a Tier 1
- 16 participant. The Executive Assistant Commissioner shall
- 17 extend limited benefits to a Tier 1 participant.
- 18 "(c) Guidelines.—Not later than 180 days after the
- 19 date of the enactment of this subtitle, the Commissioner
- 20 of U.S. Customs and Border Protection shall update the
- 21 guidelines and criteria for certifying a C-TPAT program
- 22 participant's security measures and supply chain security
- 23 practices under this section. Such guidelines shall include
- 24 a background investigation and review of appropriate doc-
- 25 umentation, as determined by the Commissioner.

- 1 "(d) TIMEFRAME.—To the extent practicable, the
- 2 Executive Assistant Commissioner shall complete the Tier
- 3 1 certification process within 90 days of receipt of an ap-
- 4 plication for participation in the C-TPAT program.

5 "SEC. 216. TIER 2 PARTICIPANTS.

- 6 "(a) Validation.—The Executive Assistant Com-
- 7 missioner shall validate the security measures and inter-
- 8 national supply chain security practices of a Tier 1 C-
- 9 TPAT program participant in accordance with the guide-
- 10 lines referred to in subsection (c) to validate such partici-
- 11 pant as a Tier 2 participant. Such validation shall include
- 12 on-site assessments at appropriate foreign and domestic
- 13 locations utilized by such Tier 1 participant in its inter-
- 14 national supply chain.
- 15 "(b) Benefits for Tier 2 Participants.—The
- 16 Executive Assistant Commissioner, shall extend benefits
- 17 to each C-TPAT participant that has been validated as
- 18 a Tier 2 participant under this section. Such benefits may
- 19 include the following:
- 20 "(1) Reduced scores in U.S. Customs and Bor-
- 21 der Protection's Automated Targeting System.
- 22 "(2) Reduced number of security examinations
- by U.S. Customs and Border Protection.
- 24 "(3) Priority examinations of cargo.

- 1 "(4) Access to the Free and Secure Trade
- 2 (FAST) Lanes at United States ports of entry.
- 3 "(5) Recognition as a trusted trade partner by
- 4 foreign customs administrations that have signed
- 5 Mutual Recognition Arrangements with U.S. Cus-
- 6 toms and Border Protection.
- 7 "(6) In the case of importers, eligibility to par-
- 8 ticipate in the Importer Self-Assessment Program
- 9 (ISA) or successor compliance program.
- 10 "(c) Guidelines.—Not later than 180 days after the
- 11 date of the enactment of this subtitle, the Commissioner
- 12 shall develop a schedule and update the guidelines and cri-
- 13 teria for validating a C-TPAT participant's security
- 14 measures and supply chain security practices under this
- 15 section.
- 16 "(d) Timeframe.—To the extent practicable, the
- 17 Executive Assistant Commissioner shall complete the Tier
- 18 2 validation process for a C-TPAT program participant
- 19 under this section within 1 year after certification of such
- 20 participant as a Tier 1 participant.
- 21 "SEC. 217. TIER 3 PARTICIPANTS.
- 22 "(a) In General.—The Commissioner shall estab-
- 23 lish a third tier of C-TPAT program participation that
- 24 offers additional benefits to C-TPAT program partici-
- 25 pants that are importers or other entity types, in accord-

- 1 ance with section 212(b), that demonstrate a sustained
- 2 commitment to maintaining security measures and inter-
- 3 national supply chain security practices that exceed the
- 4 guidelines established for validation as a Tier 2 partici-
- 5 pant in the C-TPAT program under section 216.
- 6 "(b) Best Practices.—The Executive Assistant
- 7 Commissioner may designate a Tier 2 C-TPAT program
- 8 participant as a Tier 3 participant based on a review of
- 9 best practices in such participant's international supply
- 10 chain that reflect a continued approach to enhanced inter-
- 11 national supply chain security, including—
- 12 "(1) compliance with any additional or updated
- criteria established by the Commissioner of U.S.
- 14 Customs and Border Protection under section
- 15 213(d) that exceed the guidelines established pursu-
- ant to section 216 for validating a C-TPAT pro-
- 17 gram participant as a Tier 2 participant; and
- 18 "(2) any other factors that the Executive As-
- sistant Commissioner determines appropriate.
- 20 "(c) Benefits for Tier 3 Participants.—The
- 21 Executive Assistant Commissioner, in consultation with
- 22 the Commercial Customs Operations Advisory Committee
- 23 established under section 109 of the Trade Facilitation
- 24 and Trade Enforcement Act of 2015 (Public Law 114-
- 25 125; 19 U.S.C. 4316) and the National Maritime Security

- 1 Advisory Committee established under section 70112 of
- 2 title 46, United States Code, shall extend benefits to each
- 3 C-TPAT program participant that has been validated as
- 4 a Tier 3 participant under this section, which may include
- 5 the following:
- 6 "(1) Further reduction in the number of exami-
- 7 nations by U.S. Customs and Border Protection.
- 8 "(2) Front of the line inspections and examina-
- 9 tions.
- 10 "(3) Exemption from Stratified Exams.
- 11 "(4) Shorter wait times at United States ports
- of entry.
- 13 "(5) Access to the Free and Secure Trade
- 14 (FAST) Lanes at United States ports of entry.
- 15 "(6) Recognition as a trusted trade partner by
- 16 foreign customs administrations that have signed
- Mutual Recognition Arrangements with U.S. Cus-
- toms and Border Protection.
- 19 "(7) In the case of importers, eligibility to par-
- 20 ticipate in the Importer Self-Assessment Program
- 21 (ISA) or successor compliance program.
- 22 "SEC. 218. CONSEQUENCES FOR LACK OF COMPLIANCE.
- "(a) IN GENERAL.—If at any time the Executive As-
- 24 sistant Commissioner determines that a C-TPAT pro-
- 25 gram participant's security measures or international sup-

- 1 ply chain security practices fail to meet applicable require-
- 2 ments under this subtitle, the Executive Assistant Com-
- 3 missioner may deny such participant benefits otherwise
- 4 made available pursuant to this subtitle, either in whole
- 5 or in part. The Executive Assistant Commissioner shall
- 6 develop procedures, in consultation with Commercial Cus-
- 7 toms Operations Advisory Committee, established under
- 8 section 109 of the Trade Facilitation and Trade Enforce-
- 9 ment Act of 2015 (Public Law 114–125; 19 U.S.C. 4316),
- 10 that provide appropriate protections to C-TPAT program
- 11 participants, including advance notice and an opportunity
- 12 for such participants to provide additional information to
- 13 U.S. Customs and Border Protection regarding any such
- 14 alleged failure, before any of such benefits are withheld.
- 15 Such procedures may not limit the ability of the Executive
- 16 Assistant Commissioner to take actions to protect the na-
- 17 tional security of the United States.
- 18 "(b) False or Misleading Information; Lack of
- 19 COMPLIANCE WITH LAW.—If a C-TPAT program partici-
- 20 pant knowingly provides false or misleading information
- 21 to the Commissioner of U.S. Customs and Border Protec-
- 22 tion, the Executive Assistant Commissioner, or any other
- 23 officers or officials of the United States Government, or
- 24 if at any time the Executive Assistant Commissioner de-
- 25 termines that a C-TPAT program participant has com-

- 1 mitted a serious violation of Federal law or customs regu-
- 2 lations, or if a C-TPAT program participant has com-
- 3 mitted a criminal violation relating to the economic activ-
- 4 ity of such participant, the Executive Assistant Commis-
- 5 sioner may suspend or expel such participant from the C-
- 6 TPAT program for an appropriate period of time. The Ex-
- 7 ecutive Assistant Commissioner, after the completion of
- 8 the process described in subsection (d), may publish in the
- 9 Federal Register a list of C-TPAT program participants
- 10 that have been so suspended or expelled from the C-TPAT
- 11 program pursuant to this subsection.
- 12 "(c) National Security.—If at any time the Exec-
- 13 utive Assistant Commissioner determines that a C-TPAT
- 14 program participant poses a significant and imminent risk
- 15 to the national security of the United States or has com-
- 16 mitted a serious violation of Federal law or customs regu-
- 17 lations, or if a C-TPAT program participant has com-
- 18 mitted a criminal violation relating to the economic activ-
- 19 ity of such participant, the Executive Assistant Commis-
- 20 sioner may suspend or expel such participant from the C-
- 21 TPAT program for an appropriate period of time. The Ex-
- 22 ecutive Assistant Commissioner, after the completion of
- 23 the process described in subsection (d), may publish in the
- 24 Federal Register a list of C-TPAT program participants

- 1 that have been so suspended or expelled from the C-TPAT
- 2 program pursuant to this subsection.
- 3 "(d) RIGHT OF APPEAL.—
- 4 "(1) IN GENERAL.—The Commissioner of U.S.
- 5 Customs and Border Protection shall establish a
- 6 process for a C-TPAT program participant to ap-
- 7 peal a decision of the Executive Assistant Commis-
- 8 sioner under subsection (a). Such appeal shall be
- 9 filed with the Commissioner not later than 90 days
- after the date of such decision, and the Commis-
- sioner shall issue a determination not later than 90
- days after such appeal is filed.
- 13 "(2) Appeals of other decisions.—The
- 14 Commissioner of U.S. Customs and Border Protec-
- tion shall establish a process for a C-TPAT pro-
- gram participant to appeal a decision of the Execu-
- tive Assistant Commissioner under subsections (b)
- and (c). Such appeal shall be filed with the Commis-
- sioner not later than 30 days after the date of such
- decision, and the Commissioner shall issue a deter-
- 21 mination not later than 90 days after such appeal is
- filed.
- 23 "SEC. 219. VALIDATIONS BY OTHER DHS COMPONENTS.
- 24 "(a) IN GENERAL.—The Commissioner of U.S. Cus-
- 25 toms and Border Protection may recognize regulatory in-

- 1 spections conducted by other components of the Depart-
- 2 ment of Homeland Security of entities as sufficient to con-
- 3 stitute validation for C-TPAT program participation in
- 4 cases in which any such component's inspection regime is
- 5 harmonized with validation criteria for the C-TPAT pro-
- 6 gram. Such regulatory inspections shall not limit the abil-
- 7 ity of U.S. Customs and Border Protection to conduct a
- 8 C-TPAT program validation.
- 9 "(b) REVALIDATION.—Nothing in this section may
- 10 limit the Commissioner of U.S. Customs and Border Pro-
- 11 tection's ability to require a revalidation by U.S. Customs
- 12 and Border Protection.
- 13 "(c) Certification.—Nothing in this section may
- 14 be construed to authorize certifications of C-TPAT appli-
- 15 cants to be performed by any party other than U.S. Cus-
- 16 toms and Border Protection.
- 17 "SEC. 220. RECERTIFICATION AND REVALIDATION.
- 18 "(a) Recertification.—The Commissioner of U.S.
- 19 Customs and Border Protection shall implement a recer-
- 20 tification process for all C-TPAT program participants.
- 21 Such process shall occur annually, and shall require—
- 22 "(1) a review of the security profile and sup-
- porting documentation to ensure adherence to the
- 24 minimum security criteria under section 213; and
- 25 "(2) background checks and vetting.

1	"(b) Revalidation.—The Commissioner of U.S.						
2	Customs and Border Protection shall implement a re-						
3	validation process for all Tier 2 and Tier 3 C-TPAT pro-						
4	gram participants. Such process shall require—						
5	"(1) a framework based upon objective, risk						
6	based criteria for identifying participants for per						
7	odic revalidation at least once every 4 years for						
8	lowing the initial validation of such participants;						
9	"(2) on-site assessments at appropriate foreign						
10	and domestic locations utilized by such a participant						
11	in its international supply chain; and						
12	"(3) an annual plan for revalidation that in-						
13	cludes—						
14	"(A) performance measures;						
15	"(B) an assessment of the personnel need-						
16	ed to perform such revalidations; and						
17	"(C) the number of participants that will						
18	be revalidated during the following year.						
19	"(c) REVALIDATION UNDER A MUTUAL RECOGNI-						
20	TION ARRANGEMENT.—						
21	"(1) In General.—Upon request from the						
22	Commissioner of U.S. Customs and Border Protec-						
23	tion, all Tier 2 and Tier 3 C-TPAT program par-						
24	ticipants shall provide any revalidation report con-						

- ducted by a foreign government under a Mutual
 Recognition Arrangement.
- 3 "(2) Recognition.—The Commissioner of 4 U.S. Customs and Border Protection may recognize 5 revalidations of entities conducted by foreign govern-6 ments under a Mutual Recognition Arrangement as 7 sufficient to constitute a revalidation for C-TPAT
- 8 program participation under subsection (b).
- 9 "(3) NO LIMITATION.—Nothing in this sub-10 section may be construed to limit the Commissioner 11 of U.S. Customs and Border Protection's ability to 12 require a revalidation by U.S. Customs and Border 13 Protection.
- 14 "(d) Designated Company Employees.—Only
- 15 designated company employees of a C–TPAT program
- 16 participant under section 213(b)(1) are authorized to re-
- 17 spond to a revalidation report. Third-party entities are not
- 18 authorized to respond to a revalidation report.
- 19 "SEC. 221. NONCONTAINERIZED CARGO AND THIRD PARTY
- 20 LOGISTICS PROVIDERS.
- 21 "The Commissioner of U.S. Customs and Border
- 22 Protection shall consider the potential for participation in
- 23 the C-TPAT program by importers of noncontainerized
- 24 cargoes and non-asset-based third party logistics providers
- 25 that otherwise meet the requirements under this subtitle.

1 "SEC. 222. PROGRAM MANAGEMENT.

2	"(a) In General.—The Commissioner of U.S. Cus-					
3	toms and Border Protection shall establish sufficient in-					
4	ternal quality controls and record management, including					
5	recordkeeping (including maintenance of a record manage-					
6	ment system in accordance with subsection (b)) and mor					
7	7 toring staff hours, to support the management systems					
8	the C-TPAT program. In managing the C-TPAT pro-					
9	gram, the Commissioner shall ensure that the C-TPA					
10	program includes the following:					
11	"(1) A 5-year plan to identify outcome-based					
12	goals and performance measures of the C-TPA					
13	program.					
14	"(2) An annual plan for each fiscal year de-					
15	signed to match available resources to the projected					
16	workload.					
17	"(3) A standardized work program to be used					
18	by agency personnel to carry out the certifications,					
19	validations, recertifications, and revalidations of C-					
20	TPAT program participants.					
21	"(4) In accordance with subsection (e), a stand-					
22	ardized process for the Executive Assistant Commis-					
23	sioner to receive reports of suspicious activity, in-					
24	cluding reports regarding potentially compromised					
25	cargo or other border or national security concerns.					
26	"(b) Documentation of Reviews.—					

"(1) IN GENERAL.—The Commissioner of U.S. 1

2 Customs and Border Protection shall maintain a

3 record management system to document determina-

tions on the reviews of each C-TPAT program par-

ticipant, including certifications, validations, recer-5

6 tifications, and revalidations.

11

- 7 "(2) STANDARDIZED PROCEDURES.—To ensure 8 accuracy and consistency within the record manage-9 ment system required under this subsection, the 10 Commissioner shall develop, disseminate, and require utilization of standardized procedures for 12 agency personnel carrying out certifications, valida-13 tions, recertifications, and revalidations to report 14 and track information regarding the status of each 15 C-TPAT program participant.
- "(c) Confidential Information Safeguards.— 16
- In consultation with the Commercial Customs Operations
- 18 Advisory Committee established under section 109 of the
- 19 Trade Facilitation and Trade Enforcement Act of 2015
- 20 (Public Law 114–125; 19 U.S.C. 4316), the Commis-
- 21 sioner of U.S. Customs and Border Protection shall de-
- velop and implement procedures to ensure the protection
- 23 of confidential data collected, stored, or shared with gov-
- ernment agencies or as part of the application, certifi-

- 1 cation, validation, recertification, and revalidation proc-
- 2 esses.
- 3 "(d) Resource Management Staffing Plan.—
- 4 The Commissioner of U.S. Customs and Border Protec-
- 5 tion shall—
- 6 "(1) develop a staffing plan to recruit and train
- 7 staff (including a formalized training program) to
- 8 meet the objectives identified in the 5-year strategic
- 9 plan under subsection (a)(1); and
- 10 "(2) provide cross-training in post incident
- 11 trade resumption for the C-TPAT Director and
- other relevant personnel who administer the C-
- TPAT program.
- 14 "(e) Engagement.—In carrying out the standard-
- 15 ized process required under subsection (a)(4), the Com-
- 16 missioner shall engage with and provide guidance to C-
- 17 TPAT program participants and other appropriate stake-
- 18 holders on submitting reports described in such sub-
- 19 section.
- 20 "(f) Report to Congress.—In connection with the
- 21 President's annual budget submission for the Department
- 22 of Homeland Security, the Commissioner of U.S. Customs
- 23 and Border Protection shall report to the appropriate con-
- 24 gressional committees on the progress made by the Com-
- 25 missioner to certify, validate, recertify, and revalidate C-

- 1 TPAT program participants. Each such report shall be
- 2 due on the same date that the President's budget is sub-
- 3 mitted to Congress.".
- 4 (b) SAVING CLAUSE.—
- (1) IN GENERAL.—The amendments made by this Act shall take effect and apply beginning on the date that is 30 days after the date of the enactment of this Act with respect to applicants for participation in the C-TPAT program.
- 10 EXCEPTION.—Paragraph (1) (2)shall not 11 apply in case of C-TPAT program participants who 12 are such participants as of the date specified in such 13 paragraph. Such participants shall be subject to the 14 amendments made by this Act upon revalidation of 15 such participants to participate in such program. 16 Until such time, such participants shall be subject to 17 the requirements of the C-TPAT program as in ex-18 istence on the day before the date of the enactment 19 of this Act.
- (c) CLERICAL AMENDMENTS.—The table of contentsin section 1(b) of the Security and Accountability for
- 22 Every Port Act of 2006 is amended by striking the items
- 23 relating to subtitle B of title II and inserting the following
- 24 new items:

[&]quot;Subtitle B—Customs-Trade Partnership Against Terrorism

- "Sec. 211. Establishment of the Customs and Trade Partnership Against Terrorism program.
- "Sec. 212. Eligible entities and notice of benefits.
- "Sec. 213. Participation eligibility.
- "Sec. 214. Benefits for C-TPAT program participants.
- "Sec. 215. Tier 1 participants.
- "Sec. 216. Tier 2 participants.
- "Sec. 217. Tier 3 participants.
- "Sec. 218. Consequences for lack of compliance.
- "Sec. 219. Validations by other DHS components.
- "Sec. 220. Recertification and revalidation.
- "Sec. 221. Noncontainerized cargo and third party logistics providers.
- "Sec. 222. Program management.".

Passed the House of Representatives October 23, 2017.

Attest:

Clerk.

115TH CONGRESS H. R. 3551

AN ACT

To amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes.