

116TH CONGRESS
1ST SESSION

H. R. 3719

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Mr. HIGGINS of Louisiana (for himself, Mr. McCAUL, Mr. ROGERS of Alabama, Mr. CUELLAR, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

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-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CTPAT Reauthoriza-
5 tion Act of 2019”.

1 **SEC. 2. CUSTOMS TRADE PARTNERSHIP AGAINST TER-**
2 **RORISM.**

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

6 **“Subtitle B—Customs Trade**
7 **Partnership Against Terrorism**

8 **“SEC. 211. ESTABLISHMENT OF THE CUSTOMS TRADE**
9 **PARTNERSHIP AGAINST TERRORISM PRO-**
10 **GRAM.**

11 “(a) IN GENERAL.—There is established within U.S.
12 Customs and Border Protection a voluntary government-
13 private sector partnership program to be known as the
14 Customs Trade Partnership Against Terrorism (CTPAT).

15 “(b) PURPOSE.—The purposes of the CTPAT pro-
16 gram are to—

17 “(1) strengthen and improve the overall secu-
18 rity of the international supply chain and United
19 States border security;

20 “(2) facilitate the movement of secure cargo
21 through the international supply chain;

22 “(3) ensure compliance with applicable law; and

23 “(4) serve as the Authorized Economic Oper-
24 ator program for the United States.

25 “(c) DIRECTOR.—There shall be at the head of the
26 CTPAT program a Director, who shall report to the Exec-

1 utive Assistant Commissioner of the Office of Field Oper-
2 ations (in this subtitle referred to as the ‘Executive Assist-
3 ant Commissioner’) of U.S. Customs and Border Protec-
4 tion.

5 “(d) DUTIES.—The Director of the CTPAT program
6 shall—

7 “(1) oversee the activities of the CTPAT pro-
8 gram, including certification of CTPAT participants;

9 “(2) evaluate and make revisions to security
10 criteria pursuant to subsections (c) and (d) of sec-
11 tion 213;

12 “(3) ensure that participants receive a tangible
13 and measurable benefit for participation; and

14 “(4) carry out other duties and powers pre-
15 scribed by the Executive Assistant Commissioner.

16 **“SEC. 212. ELIGIBLE ENTITIES AND NOTICE OF BENEFITS.**

17 “(a) ELIGIBLE ENTITIES.—

18 “(1) IN GENERAL.—Importers, exporters, cus-
19 toms brokers, forwarders, air, sea, and land carriers,
20 contract logistics providers, and other entities in the
21 international supply chain and intermodal transpor-
22 tation system are eligible to apply for participation
23 in the CTPAT program.

24 “(2) EXPANSION.—The Commissioner may ex-
25 pand the list of entities eligible to apply for CTPAT

1 participation only in accordance with the purpose of
2 the CTPAT program.

3 “(b) TIERED PARTICIPATION.—

4 “(1) IN GENERAL.—Applicants specified in sub-
5 section (a) may be eligible to participate as Tier 1
6 or Tier 2 participants.

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

9 “(3) EXTENSION.—The Commissioner may ex-
10 tend Tier 3 participation to other entity types, if ap-
11 propriate, and to specific Tier 2 CTPAT program
12 participants in accordance with section 217(b).

13 “(c) NOTICE OF BENEFITS.—

14 “(1) IN GENERAL.—The Commissioner shall
15 publish, on the U.S. Customs and Border Protection
16 website and through other appropriate online publi-
17 cation, information about benefits available under
18 each tier of the CTPAT program.

19 “(2) CHANGES.—The Commissioner shall pub-
20 lish, on the U.S. Customs and Border Protection
21 website and through other appropriate online publi-
22 cation, notice of any changes to benefits available
23 under each tier of the CTPAT program not later
24 than 30 days before any such 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 CTPAT program, an entity shall, at
9 a minimum—

10 “(1) have a designated company employee au-
11 thorized to bind such entity who 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 CTPAT 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 CTPAT program established by the Commis-
21 sioner and how such entity will maintain and en-
22 hance internal policies, procedures, and practices re-
23 lated to international supply chain security; and

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

1 “(c) MINIMUM SECURITY CRITERIA.—The Commis-
2 sioner shall establish minimum security criteria for par-
3 ticipants in the CTPAT program, review such minimum
4 security criteria not less than once every two years, and
5 update such minimum security criteria as necessary. Such
6 minimum security criteria shall seek to address security
7 vulnerabilities in the international supply chain.

8 “(d) ADDITIONAL AND UPDATED CRITERIA.—The
9 Commissioner may establish additional and updated secu-
10 rity criteria for individual CTPAT program participants,
11 categories of CTPAT program participants, or particular
12 entity types to meet in order to address a security vulner-
13 ability in the international supply chain.

14 “(e) CONSULTATION.—When establishing or updat-
15 ing security criteria in accordance with subsection (c), and
16 when establishing new or updated security criteria in ac-
17 cordance subsection (d), the Commissioner shall consult
18 with CTPAT program participants and other interested
19 parties, and shall—

20 “(1) conduct a cost benefit analysis of such pro-
21 posed new or updated security criteria, as the case
22 may be, in consultation with the Commercial Cus-
23 toms Operations Advisory Committee established
24 under section 109 of the Trade Facilitation and

1 Trade Enforcement Act of 2015 (Public Law 114–
2 125; 19 U.S.C. 4316);

3 “(2) determine operational feasibility and,
4 where appropriate, provide best practices for meet-
5 ing such new or updated security criteria to CTPAT
6 program participants specific to their entity type;

7 “(3) conduct a phased implementation of such
8 proposed new or updated security criteria; and

9 “(4) provide CTPAT program participants and
10 other interested parties a 90-day comment period to
11 review and comment on such proposed new or up-
12 dated security criteria.

13 “(f) WAIVER.—The Commissioner may waive the re-
14 quirements of subsection (e) if the Commissioner deter-
15 mines there is a significant and imminent risk to the na-
16 tional security of the United States and such a waiver is
17 necessary to protect such national security. Not later than
18 120 days after the issuance of any such waiver, the Com-
19 missioner shall announce on the U.S. Customs and Border
20 Protection website and through other appropriate online
21 publication the Commissioner’s intent to either withdraw
22 such waiver or maintain such waiver while commencing
23 efforts to establish new or updated security criteria in ac-
24 cordance with subsection (c) or (d), respectively.

1 **“SEC. 214. BENEFITS FOR CTPAT PROGRAM PARTICIPANTS.**

2 “(a) IN GENERAL.—The Executive Assistant Com-
3 missioner shall extend certain benefits to each CTPAT
4 program participant. Minimum benefits for each such par-
5 ticipant shall include the following:

6 “(1) Assignment of a U.S. Customs and Border
7 Protection Supply Chain Security Specialist.

8 “(2) Access to the CTPAT program’s web-
9 based Portal system, training materials, and a mech-
10 anism by which to verify other CTPAT program
11 participants’ CTPAT status.

12 “(3) Timely supply chain threat alerts cat-
13 egorized by CTPAT program participant entity type,
14 and an annual and unclassified update made avail-
15 able in such web-based Portal system regarding re-
16 gional and other relevant threats to the international
17 supply chain.

18 “(b) ANNUAL ASSESSMENT.—

19 “(1) IN GENERAL.—The Executive Assistant
20 Commissioner shall conduct, on an annual basis, an
21 assessment of the benefits conferred to CTPAT pro-
22 gram participants by tier and entity type. The Exec-
23 utive Assistant Commissioner shall determine a
24 process to carry out such assessments, including
25 projected milestones and completion dates for ad-
26 dressing data reliability issues and, as necessary,

1 correcting data weaknesses, in order that U.S. Cus-
2 toms and Border Protection can produce accurate
3 and reliable annual assessments that can be com-
4 pared year-to-year.

5 “(2) ELEMENTS.—Each annual assessment
6 conducted pursuant to paragraph (1) shall at a min-
7 imum include the following:

8 “(A) The average reduced security exam
9 rate by CTPAT program participant tier and
10 entity type.

11 “(B) The average reduction in penalties
12 for CTPAT program participants by tier and
13 entity type.

14 “(C) The average reduction in risk assess-
15 ment for CTPAT program participants by tier
16 and entity type.

17 “(3) PUBLIC AVAILABILITY.—The Executive
18 Assistant Commissioner shall make each annual as-
19 sessment publicly available on the CTPAT portal for
20 at least one year.

21 “(c) CONSULTATION.—When assessing benefits in ac-
22 cordance with subsection (b), the Executive Assistant
23 Commissioner shall consult with the Commercial Customs
24 Operations Advisory Committee established under section
25 109 of the Trade Facilitation and Trade Enforcement Act

1 of 2015 (Public Law 114–125; 19 U.S.C. 4316) and the
2 National Maritime Security Advisory Committee estab-
3 lished under section 70112 of title 46, United States Code.

4 **“SEC. 215. TIER 1 PARTICIPANTS.**

5 “(a) CERTIFICATION.—The Executive Assistant
6 Commissioner shall certify the security measures and
7 international supply chain security practices of all appli-
8 cants to and participants in the CTPAT program in ac-
9 cordance with section 213(b)(2) and the guidelines re-
10 ferred to in subsection (c) of this section. Certified partici-
11 pants shall be Tier 1 participants.

12 “(b) BENEFITS FOR TIER 1 PARTICIPANTS.—Upon
13 completion of the certification under subsection (a), a
14 CTPAT program participant shall be certified as a Tier
15 1 participant. The Executive Assistant Commissioner shall
16 extend limited benefits to a Tier 1 participant.

17 “(c) CRITERIA.—Not later than 180 days after the
18 date of the enactment of this subtitle, the Commissioner
19 shall update the criteria for certifying a CTPAT program
20 participant’s security measures and supply chain security
21 practices under this section. Such criteria shall include a
22 background investigation and review of appropriate docu-
23 mentation, as determined by the Commissioner.

24 “(d) TIMEFRAME.—To the extent practicable, the
25 Executive Assistant Commissioner shall conclude the Tier

1 1 certification process within 90 days of receipt of a com-
2 pleted application for participation in the CTPAT pro-
3 gram.

4 **“SEC. 216. TIER 2 PARTICIPANTS.**

5 “(a) VALIDATION.—The Executive Assistant Com-
6 missioner shall validate the security measures and inter-
7 national supply chain security practices of a Tier 1
8 CTPAT program participant in accordance with the
9 guidelines referred to in subsection (c) to validate such
10 participant as a Tier 2 participant. Such validation shall
11 include on-site assessments at appropriate foreign and do-
12 mestic locations utilized by such Tier 1 participant in its
13 international supply chain.

14 “(b) BENEFITS FOR TIER 2 PARTICIPANTS.—The
15 Executive Assistant Commissioner, shall extend benefits
16 to each CTPAT participant that has been validated as a
17 Tier 2 participant under this section. Such benefits may
18 include the following:

19 “(1) Reduced scores in U.S. Customs and Bor-
20 der Protection’s Automated Targeting System or
21 successor system.

22 “(2) Reduced number of security examinations
23 by U.S. Customs and Border Protection.

24 “(3) Penalty mitigation opportunities.

25 “(4) Priority examinations of cargo.

1 “(5) Access to the Free and Secure Trade
2 (FAST) Lanes at United States ports of entry.

3 “(6) Confirmation of CTPAT status to foreign
4 customs administrations that have signed Mutual
5 Recognition Arrangements with U.S. Customs and
6 Border Protection.

7 “(7) In the case of importers, eligibility to par-
8 ticipate in the Importer Self-Assessment Program
9 (ISA) or successor compliance program.

10 “(8) In the case of sea carriers, eligibility to
11 participate in the Advance Qualified Unlading Ap-
12 proval (AQUA) Lane process.

13 “(c) CRITERIA.—Not later than 180 days after the
14 date of the enactment of this subtitle, the Commissioner
15 shall develop a schedule and update the criteria for vali-
16 dating a CTPAT participant’s security measures and sup-
17 ply chain security practices under this section.

18 “(d) TIMEFRAME.—To the extent practicable, the
19 Executive Assistant Commissioner shall complete the Tier
20 2 validation process for a CTPAT program participant
21 under this section within one year after certification of
22 such participant as a Tier 1 participant.

23 **“SEC. 217. TIER 3 PARTICIPANTS.**

24 “(a) IN GENERAL.—The Commissioner shall estab-
25 lish a third tier of CTPAT program participation that of-

1 fers additional benefits to CTPAT program participants
2 that are importers or other entity types, in accordance
3 with section 212(b), that demonstrate a sustained commit-
4 ment to maintaining security measures and international
5 supply chain security practices that exceed the guidelines
6 established for validation as a Tier 2 participant in the
7 CTPAT program under section 216.

8 “(b) BEST PRACTICES.—The Commissioner shall
9 provide a best practices framework to Tier 2 participants
10 interested in Tier 3 status and may designate a Tier 2
11 CTPAT program participant as a Tier 3 participant based
12 on a review of best practices in such participant’s inter-
13 national supply chain that reflect a continued approach
14 to enhanced international supply chain security, includ-
15 ing—

16 “(1) compliance with any new or updated cri-
17 teria established by the Commissioner under section
18 213(d) that exceed the guidelines established pursu-
19 ant to section 216 for validating a CTPAT program
20 participant as a Tier 2 participant; and

21 “(2) any other factors that the Commissioner
22 determines appropriate that are provided in such
23 best practices framework.

24 “(c) BENEFITS FOR TIER 3 PARTICIPANTS.—The
25 Executive Assistant Commissioner shall extend benefits to

1 each CTPAT program participant that has been validated
2 as a Tier 3 participant under this section, which, in addi-
3 tion to benefits for Tier 2 participation, may include the
4 following:

5 “(1) Further reduction in the number of exami-
6 nations by U.S. Customs and Border Protection.

7 “(2) Front of the line inspections and examina-
8 tions.

9 “(3) Exemption from Stratified Exams.

10 “(4) Shorter wait times at United States ports
11 of entry.

12 **“SEC. 218. CONSEQUENCES FOR LACK OF COMPLIANCE.**

13 “(a) IN GENERAL.—If at any time the Executive As-
14 sistant Commissioner determines that a CTPAT program
15 participant’s security measures or international supply
16 chain security practices fail to meet applicable require-
17 ments under this subtitle, the Executive Assistant Com-
18 missioner may deny such participant benefits otherwise
19 made available pursuant to this subtitle, either in whole
20 or in part. The Executive Assistant Commissioner shall
21 develop procedures, in consultation with Commercial Cus-
22 toms Operations Advisory Committee established under
23 section 109 of the Trade Facilitation and Trade Enforce-
24 ment Act of 2015 (Public Law 114–125; 19 U.S.C. 4316),
25 that provide appropriate protections to CTPAT program

1 participants, including advance notice and an opportunity
2 for such participants to provide additional information to
3 U.S. Customs and Border Protection regarding any such
4 alleged failure, before any of such benefits are withheld.
5 Such procedures may not limit the ability of the Executive
6 Assistant Commissioner to take actions to protect the na-
7 tional security of the United States.

8 “(b) FALSE OR MISLEADING INFORMATION; LACK OF
9 COMPLIANCE WITH LAW.—If a CTPAT program partici-
10 pant knowingly provides false or misleading information
11 to the Commissioner, the Executive Assistant Commis-
12 sioner, Director, or any other officers or officials of the
13 United States Government, or if at any time the Executive
14 Assistant Commissioner determines that a CTPAT pro-
15 gram participant has committed a serious violation of
16 Federal law or customs regulations, or if a CTPAT pro-
17 gram participant has committed a criminal violation relat-
18 ing to the economic activity of such participant, the Exec-
19 utive Assistant Commissioner may suspend or remove
20 such participant from the CTPAT program for an appro-
21 priate period of time. The Executive Assistant Commis-
22 sioner, after the completion of the process described in
23 subsection (d), may publish in the Federal Register a list
24 of CTPAT program participants that have been so re-

1 moved from the CTPAT program pursuant to this sub-
2 section.

3 “(c) NATIONAL SECURITY.—If at any time the Exec-
4 utive Assistant Commissioner determines that a CTPAT
5 program participant poses a significant and imminent risk
6 to the national security of the United States, the Execu-
7 tive Assistant Commissioner may suspend or remove such
8 participant from the CTPAT program for an appropriate
9 period of time. The Executive Assistant Commissioner,
10 after the completion of the process described in subsection
11 (d), may publish in the Federal Register a list of CTPAT
12 program participants that have been so removed from the
13 CTPAT program pursuant to this subsection.

14 “(d) RIGHT OF APPEAL.—

15 “(1) IN GENERAL.—The Commissioner shall es-
16 tablish a process for a CTPAT program participant
17 to appeal a decision of the Executive Assistant Com-
18 missioner under subsection (a). Such appeal shall be
19 filed with the Commissioner not later than 90 days
20 after the date of such decision, and the Commis-
21 sioner shall issue a determination not later than 90
22 days after such appeal is filed.

23 “(2) APPEALS OF OTHER DECISIONS.—The
24 Commissioner shall establish a process for a CTPAT
25 program participant to appeal a decision of the Ex-

1 executive Assistant Commissioner under subsections
2 (b) and (c). Such appeal shall be filed with the Com-
3 missioner not later than 30 days after the date of
4 such decision, and the Commissioner shall issue a
5 determination not later than 90 days after such ap-
6 peal is filed.

7 **“SEC. 219. VALIDATIONS BY OTHER DHS COMPONENTS.**

8 “(a) IN GENERAL.—The Commissioner may recog-
9 nize regulatory inspections of entities conducted by other
10 components of the Department of Homeland Security as
11 sufficient to constitute validation for CTPAT program
12 participation in cases in which any such component’s in-
13 spection regime is harmonized with validation criteria for
14 the CTPAT program. Such regulatory inspections shall
15 not limit the ability of U.S. Customs and Border Protec-
16 tion to conduct a CTPAT program validation.

17 “(b) REVALIDATION.—Nothing in this section may
18 limit the Commissioner’s ability to require a revalidation
19 by U.S. Customs and Border Protection.

20 “(c) CERTIFICATION.—Nothing in this section may
21 be construed to authorize certifications of CTPAT appli-
22 cants to be performed by any party other than U.S. Cus-
23 toms and Border Protection.

1 **“SEC. 220. RECERTIFICATION AND REVALIDATION.**

2 “(a) RECERTIFICATION.—The Commissioner shall
3 implement a recertification process for all CTPAT pro-
4 gram participants. Such process shall occur annually, and
5 shall require—

6 “(1) a review of the security profile and sup-
7 porting documentation to ensure adherence to the
8 minimum security criteria under section 213; and

9 “(2) background checks and vetting.

10 “(b) REVALIDATION.—The Commissioner shall im-
11 plement a revalidation process for all Tier 2 and Tier 3
12 CTPAT program participants. Such process shall re-
13 quire—

14 “(1) a framework based upon objective, risk-
15 based criteria for identifying participants for peri-
16 odic revalidation at least once every four years after
17 the initial validation of such participants;

18 “(2) on-site assessments at appropriate foreign
19 and domestic locations utilized by such a participant
20 in its international supply chain; and

21 “(3) an annual plan for revalidation that in-
22 cludes—

23 “(A) performance measures;

24 “(B) an assessment of the personnel need-
25 ed to perform such revalidations; and

1 “(C) the number of participants that will
2 be revalidated during the following year.

3 “(c) REVALIDATION UNDER A MUTUAL RECOGNI-
4 TION ARRANGEMENT.—

5 “(1) IN GENERAL.—Upon request from the
6 Commissioner, all Tier 2 and Tier 3 CTPAT pro-
7 gram participants shall provide any revalidation re-
8 port conducted by a foreign government under a
9 Mutual Recognition Arrangement.

10 “(2) RECOGNITION.—The Commissioner may
11 recognize revalidations of entities conducted by for-
12 eign governments under a Mutual Recognition Ar-
13 rangement as sufficient to constitute a revalidation
14 for CTPAT program participation under subsection
15 (b).

16 “(3) NO LIMITATION.—Nothing in this sub-
17 section may be construed to limit the Commis-
18 sioner’s ability to require a revalidation by U.S. Cus-
19 toms and Border Protection.

20 “(d) DESIGNATED COMPANY EMPLOYEES.—Only
21 designated company employees of a CTPAT program par-
22 ticipant under section 213(b)(1) are authorized to respond
23 to a revalidation report. Third-party entities are not au-
24 thorized to respond to a revalidation report.

1 **“SEC. 221. NONCONTAINERIZED CARGO AND THIRD-PARTY**
2 **LOGISTICS PROVIDERS.**

3 “The Commissioner shall consider the potential for
4 participation in the CTPAT program by importers of non-
5 containerized cargoes and non-asset-based third-party lo-
6 gistics providers that otherwise meet the requirements
7 under this subtitle.

8 **“SEC. 222. PROGRAM MANAGEMENT.**

9 “(a) IN GENERAL.—The Commissioner shall estab-
10 lish sufficient internal quality controls and record manage-
11 ment, including recordkeeping (including maintenance of
12 a record management system in accordance with sub-
13 section (b)) and monitoring staff hours, to support the
14 management systems of the CTPAT program. In man-
15 aging the CTPAT program, the Commissioner shall en-
16 sure that the CTPAT program includes the following:

17 “(1) A five-year plan to identify outcome-based
18 goals and performance measures of the CTPAT pro-
19 gram.

20 “(2) An annual plan for each fiscal year de-
21 signed to match available resources to the projected
22 workload.

23 “(3) A standardized work program to be used
24 by agency personnel to carry out the certifications,
25 validations, recertifications, and revalidations of
26 CTPAT program participants.

1 “(4) In accordance with subsection (e), a stand-
2 ardized process for the Executive Assistant Commis-
3 sioner to receive reports of suspicious activity, in-
4 cluding reports regarding potentially compromised
5 cargo or other national security concerns.

6 “(b) DOCUMENTATION OF REVIEWS.—

7 “(1) IN GENERAL.—The Commissioner shall
8 maintain a record management system to document
9 determinations on the reviews of each CTPAT pro-
10 gram participant, including certifications, valida-
11 tions, recertifications, and revalidations.

12 “(2) STANDARDIZED PROCEDURES.—To ensure
13 accuracy and consistency within the record manage-
14 ment system required under this subsection, the
15 Commissioner shall develop, disseminate, and re-
16 quire utilization of standardized procedures for
17 agency personnel carrying out certifications, valida-
18 tions, recertifications, and revalidations to report
19 and track information regarding the status of each
20 CTPAT program participant.

21 “(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—

22 In consultation with the Commercial Customs Operations
23 Advisory Committee established under section 109 of the
24 Trade Facilitation and Trade Enforcement Act of 2015
25 (Public Law 114–125; 19 U.S.C. 4316), the Commis-

1 sioner shall develop and implement procedures to ensure
2 the protection of confidential data collected, stored, or
3 shared with government agencies or as part of the applica-
4 tion, certification, validation, recertification, and revalida-
5 tion processes.

6 “(d) RESOURCE MANAGEMENT STAFFING PLAN.—
7 The Commissioner shall—

8 “(1) develop a staffing plan to recruit and train
9 staff (including a formalized training program) to
10 meet the objectives identified in the five-year stra-
11 tegic plan under subsection (a)(1); and

12 “(2) provide cross-training in post incident
13 trade resumption for the CTPAT Director and other
14 relevant personnel who administer the CTPAT pro-
15 gram.

16 “(e) ENGAGEMENT.—In carrying out the standard-
17 ized process required under subsection (a)(4), the Com-
18 missioner shall engage with and provide guidance to
19 CTPAT program participants and other appropriate
20 stakeholders on submitting reports described in such sub-
21 section.

22 “(f) REPORT TO CONGRESS.—In connection with the
23 President’s annual budget submission for the Department
24 of Homeland Security, the Commissioner shall report to
25 the appropriate congressional committees on the progress

1 made by the Commissioner to certify, validate, recertify,
2 and revalidate CTPAT program participants. Each such
3 report shall be due on the same date that the President's
4 budget is submitted to Congress.”.

5 (b) SAVING CLAUSE.—

6 (1) IN GENERAL.—The amendments made by
7 this Act shall take effect and apply beginning on the
8 date that is 90 days after the date of the enactment
9 of this Act with respect to applicants for participa-
10 tion in the CTPAT program.

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply in case of CTPAT program participants who
13 are such participants as of the date specified in such
14 paragraph. Such participants shall be subject to the
15 amendments made by this Act upon revalidation of
16 such participants to participate in such program.
17 Until such time, such participants shall be subject to
18 the requirements of the CTPAT program as in exist-
19 ence on the day before the date of the enactment of
20 this Act.

21 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

22 The Security and Accountability for Every Port Act of
23 2006 is amended—

24 (1) in paragraph (4) of section 2 (6 U.S.C.
25 901), by striking “Commissioner responsible for the

1 United States Customs and Border Protection” and
 2 inserting “Commissioner of U.S. Customs and Bor-
 3 der Protection”; and

4 (2) in paragraph (2) of section 202(c) (6
 5 U.S.C. 942(c)), by striking “C-TPAT” and insert-
 6 ing “CTPAT”.

7 (d) CLERICAL AMENDMENTS.—The table of contents
 8 in section 1(b) of the Security and Accountability for
 9 Every Port Act of 2006 is amended by striking the items
 10 relating to subtitle B of title II and inserting the following
 11 new items:

“Subtitle B—Customs Trade Partnership Against Terrorism

“Sec. 211. Establishment of the Customs Trade Partnership Against Terrorism
 program.

“Sec. 212. Eligible entities and notice of benefits.

“Sec. 213. Participation eligibility.

“Sec. 214. Benefits for CTPAT 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.”.

