

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

## AMENDMENTS

2016—Pub. L. 114-125 struck out “available to the United States Customs Service or” after “no funds”.

**§ 214. Separate budget request for Customs**

The President shall include in each budget transmitted to Congress under section 1105 of title 31 a separate budget request for U.S. Customs and Border Protection.

(Pub. L. 107-296, title IV, §414, Nov. 25, 2002, 116 Stat. 2180; Pub. L. 114-125, title VIII, §802(g)(1)(B)(iii)(IV), Feb. 24, 2016, 130 Stat. 211.)

## AMENDMENTS

2016—Pub. L. 114-125 substituted “U.S. Customs and Border Protection” for “the United States Customs Service”.

## LAND BORDER PROJECTS

Pub. L. 112-74, div. D, title II, Dec. 23, 2011, 125 Stat. 949, provided in part: “That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ‘Construction and Facilities Management’ shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 111-83, title II, Oct. 28, 2009, 123 Stat. 2148.

Pub. L. 110-329, div. D, title II, Sept. 30, 2008, 122 Stat. 3658.

**§ 215. Definition**

In this part, the term “customs revenue function” means the following:

(1) Assessing and collecting customs duties (including antidumping and countervailing duties and duties imposed under safeguard provisions), excise taxes, fees, and penalties due on imported merchandise, including classifying and valuing merchandise for purposes of such assessment.

(2) Processing and denial of entry of persons, baggage, cargo, and mail, with respect to the assessment and collection of import duties.

(3) Detecting and apprehending persons engaged in fraudulent practices designed to circumvent the customs laws of the United States.

(4) Enforcing section 1337 of title 19 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks.

(5) Collecting accurate import data for compilation of international trade statistics.

(6) Enforcing reciprocal trade agreements.

(7) Functions performed by the following personnel, and associated support staff, of the United States Customs Service on the day before the effective date of this chapter, and of

U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act: Import Specialists, Entry Specialists, Drawback Specialists, National Import Specialist, Fines and Penalties Specialists, attorneys of the Office of Regulations and Rulings, Customs Auditors, International Trade Specialists, Financial Systems Specialists.

(8) Functions performed by the following offices, with respect to any function described in any of paragraphs (1) through (7), and associated support staff, of the United States Customs Service on the day before the effective date of this chapter, and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act: the Office of Information and Technology, the Office of Laboratory Services, the Office of the Chief Counsel, the Office of Congressional Affairs, the Office of International Affairs, and the Office of Training and Development.

(Pub. L. 107-296, title IV, §415, Nov. 25, 2002, 116 Stat. 2180; Pub. L. 114-125, title VIII, §802(g)(1)(B)(iii)(V), Feb. 24, 2016, 130 Stat. 211.)

## REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§411-419) of title IV of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2178, which enacted this part, amended section 5314 of Title 5, Government Organization and Employees, section 58c of Title 19, Customs Duties, and provisions set out as a note under section 2075 of Title 19. For complete classification of subtitle B to the Code, see Tables.

The effective date of this chapter, referred to in pars. (7) and (8), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of this title.

The effective date of the U.S. Customs and Border Protection Authorization Act, referred to in pars. (7) and (8), is the effective date of title VIII of Pub. L. 114-125, which is Feb. 24, 2016.

## AMENDMENTS

2016—Pars. (7), (8). Pub. L. 114-125 inserted “, and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act” before the colon.

**§ 216. Repealed. Pub. L. 114-125, title VIII, § 802(f), Feb. 24, 2016, 130 Stat. 210**

Section, Pub. L. 107-296, title IV, §416, Nov. 25, 2002, 116 Stat. 2181, related to GAO report to Congress.

**§ 217. Allocation of resources by the Secretary****(a) In general**

The Secretary shall ensure that adequate staffing is provided to assure that levels of customs revenue services provided on the day before the effective date of this chapter shall continue to be provided.

**(b) Notification of Congress**

The Secretary shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at least 90 days prior to taking any action which would—

(1) result in any significant reduction in customs revenue services, including hours of op-

eration, provided at any office within the Department or any port of entry;

(2) eliminate or relocate any office of the Department which provides customs revenue services; or

(3) eliminate any port of entry.

**(c) Definition**

In this section, the term “customs revenue services” means those customs revenue functions described in paragraphs (1) through (6) and paragraph (8) of section 215 of this title.

(Pub. L. 107–296, title IV, §417, Nov. 25, 2002, 116 Stat. 2181.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (a), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of this title.

**§ 218. Asia-Pacific Economic Cooperation Business Travel Cards**

**(a) In general**

The Commissioner of U.S. Customs and Border Protection is authorized to issue an Asia-Pacific Economic Cooperation Business Travel Card (referred to in this section as an “ABT Card”) to any individual described in subsection (b).

**(b) Card issuance**

An individual described in this subsection is an individual who—

(1) is a citizen of the United States;

(2) has been approved and is in good standing in an existing international trusted traveler program of the Department; and

(3) is—

(A) engaged in business in the Asia-Pacific region, as determined by the Commissioner of U.S. Customs and Border Protection; or

(B) a United States Government official actively engaged in Asia-Pacific Economic Cooperation business, as determined by the Commissioner of U.S. Customs and Border Protection.

**(c) Integration with existing travel programs**

The Commissioner of U.S. Customs and Border Protection shall integrate application procedures for, and issuance, renewal, and revocation of, ABT Cards with existing international trusted traveler programs of the Department.

**(d) Cooperation with private entities and nongovernmental organizations**

In carrying out this section, the Commissioner of U.S. Customs and Border Protection may consult with appropriate private sector entities and nongovernmental organizations, including academic institutions.

**(e) Fee**

**(1) In general**

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

(A) prescribe and collect a fee for the issuance and renewal of ABT Cards; and

(B) adjust such fee to the extent the Commissioner determines necessary to comply with paragraph (2).

**(2) Limitation**

The Commissioner of U.S. Customs and Border Protection shall ensure that the total

amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with operating and maintaining the ABT Card issuance and renewal processes.

**(3) Account for collections**

There is established in the Treasury of the United States an “Asia-Pacific Economic Cooperation Business Travel Card Account” into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.

**(4) Use of funds**

Amounts deposited into the Asia Pacific<sup>1</sup> Economic Cooperation Business Travel Card Account established under paragraph (3) shall—

(A) be credited to the appropriate account of the<sup>2</sup> U.S. Customs and Border Protection for expenses incurred in carrying out this section; and

(B) remain available until expended.

**(f) Notification**

The Commissioner of U.S. Customs and Border Protection shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 60 days after the expenditures of funds to operate and provide ABT Card services beyond the amounts collected under subsection (e)(1).

**(g) Trusted traveler program defined**

In this section, the term “trusted traveler program” means a voluntary program of the Department that allows U.S. Customs and Border Protection to expedite clearance of pre-approved, low-risk travelers arriving in the United States.

(Pub. L. 107–296, title IV, §418, as added Pub. L. 115–79, §2(a), Nov. 2, 2017, 131 Stat. 1258.)

PRIOR PROVISIONS

A prior section 218, Pub. L. 107–296, title IV, §418, Nov. 25, 2002, 116 Stat. 2181, related to reports to Congress from the United States Customs Service and the Secretary of the Treasury, prior to repeal by Pub. L. 114–125, title VIII, §802(f), Feb. 24, 2016, 130 Stat. 210.

TRANSFER OF FUNDS FROM APEC BUSINESS TRAVEL CARD ACCOUNT

Pub. L. 115–79, §3, Nov. 2, 2017, 131 Stat. 1259, provided that:

“(a) *In General.*—Notwithstanding the repeal of the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (Public Law 112–54; 8 U.S.C. 1185 note) pursuant to section 4(b)(1), amounts deposited into the APEC Business Travel Card Account established pursuant to such Act as of the date of the enactment of this Act [Nov. 2, 2017] are hereby transferred to the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to section 418(e) of the Homeland Security Act of 2002 [6 U.S.C. 218(e)] (as added by section 2(a) of this Act), and shall be available without regard to whether such amounts are expended in connection with expenses incurred with respect to an ABT Card issued at any time before or after such date of enactment.

<sup>1</sup> So in original. Probably should be “Asia-Pacific”.

<sup>2</sup> So in original. The word “the” probably should not appear.