

dures for, and issuance, renewal, and revocation of, ABT Cards with existing international trusted traveler programs of the Department.

**(d) Cooperation with private entities and non-governmental 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.)

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

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

**Editorial Notes**

**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.

**Statutory Notes and Related Subsidiaries**

**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.

“(b) *Availability*.—Amounts deposited in the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to section 418(e) of the Homeland Security Act of 2002, in addition to the purposes for which such amounts are available pursuant to such subsection, shall also be available for expenditure in connection with expenses incurred with respect to ABT Cards issued at any time before the date of the enactment of such section.

“(c) *Termination*.—After the completion of the transfer described in subsection (a), the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 shall be closed.”

**§ 220. Methamphetamine and methamphetamine precursor chemicals**

**(a) Compliance with performance plan requirements**

As part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

**(b) Study and report relating to methamphetamine and methamphetamine precursor chemicals**

**(1) Analysis**

The Commissioner shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through international mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

### (2) Report

Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in the consultation with the Attorney General, United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on International Relations of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1); and

(B) a description of how the United<sup>1</sup> States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109-177).

### (3) Availability of analysis

The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

### (c) Definition

In this section, the term “methamphetamine precursor chemicals” means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

(Pub. L. 109-347, title VII, § 707, Oct. 13, 2006, 120 Stat. 1946.)

### Editorial Notes

#### REFERENCES IN TEXT

The Combat Methamphetamine Epidemic Act of 2005, referred to in subsec. (b)(2)(B), is Pub. L. 109-177, title VII, Mar. 9, 2006, 120 Stat. 256. Section 722 of the Act amended sections 2291h, 2291j, and 2291j-1 of Title 22, Foreign Relations and Intercourse, and enacted provisions set out as a note under section 2291h of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21, Food and Drugs, and Tables.

#### CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as

the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

### Statutory Notes and Related Subsidiaries

#### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### DEFINITIONS

For definition of “Commissioner” as used in this section, see section 901 of this title.

### § 221. Requirements with respect to administering polygraph examinations to law enforcement personnel of U.S. Customs and Border Protection

#### (a) In general

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after January 4, 2011, all applicants for law enforcement positions with U.S. Customs and Border Protection (except as provided in subsection (b)) receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after January 4, 2011, U.S. Customs and Border Protection initiates all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before January 4, 2011.

#### (b) Waiver

The Commissioner of U.S. Customs and Border Protection may waive the polygraph examination requirement under subsection (a)(1) for any applicant who—

(1) is deemed suitable for employment;

(2) holds a current, active Top Secret/Sensitive Compartmented Information Clearance;

(3) has a current Single Scope Background Investigation;

(4) was not granted any waivers to obtain his or her clearance; and

(5) is a veteran (as defined in section 2108 of title 5).

(Pub. L. 111-376, § 3, Jan. 4, 2011, 124 Stat. 4104; Pub. L. 114-279, § 5, Dec. 16, 2016, 130 Stat. 1422.)

### Editorial Notes

#### CODIFICATION

Section was enacted as part of the Anti-Border Corruption Act of 2010, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### AMENDMENTS

2016—Pub. L. 114-279 designated existing provisions as subsec. (a), inserted heading, in par. (1) inserted “(except as provided in subsection (b))” after “Border Protection”, and added subsec. (b).

### Statutory Notes and Related Subsidiaries

#### WAIVER OF CERTAIN POLYGRAPH EXAMINATION REQUIREMENTS

Pub. L. 114-328, div. A, title X, § 1049, Dec. 23, 2016, 130 Stat. 2396, provided that: “The Secretary of Homeland

<sup>1</sup> So in original.