

***In the Senate of the United States,***

*August 5, 1999.*

*Resolved*, That the bill from the House of Representatives (H.R. 1833) entitled “An Act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Customs Authorization*  
3 *Act of 1999”.*

4 ***SEC. 2. TABLE OF CONTENTS.***

5 *The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

***TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION***

*Sec. 101. Authorization of appropriations.*

- Sec. 102. Cargo inspection and narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and Gulf Coast seaports; internal management improvements.*
- Sec. 103. Peak hours and investigative resource enhancement for the United States-Mexico and United States-Canada borders, Florida and Gulf Coast seaports, and the Bahamas.*
- Sec. 104. Agent rotations; elimination of backlog of background investigations.*
- Sec. 105. Air and marine operation and maintenance funding.*
- Sec. 106. Compliance with performance plan requirements.*
- Sec. 107. Transfer of aerostats.*
- Sec. 108. Report on intelligence requirements.*
- Sec. 109. Authorization of appropriations for program to prevent child pornography and sexual exploitation of children.*

**TITLE II—CUSTOMS MANAGEMENT**

- Sec. 201. Term and salary of the Commissioner of Customs.*
- Sec. 202. Internal compliance.*
- Sec. 203. Report on personnel flexibility.*
- Sec. 204. Report on implementation of personnel allocation model.*
- Sec. 205. Report on detection and monitoring requirements along the southern tier and northern border.*

**TITLE III—MARKING VIOLATIONS**

- Sec. 301. Civil penalties for marking violations.*

1 **TITLE I—AUTHORIZATION OF AP-**  
 2 **PROPRIATIONS FOR UNITED**  
 3 **STATES CUSTOMS SERVICE**  
 4 **FOR ENHANCED INSPECTION,**  
 5 **TRADE FACILITATION, AND**  
 6 **DRUG INTERDICTION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) *DRUG ENFORCEMENT AND OTHER NONCOMMER-*  
 9 *CIAL OPERATIONS.*—*Subparagraphs (A) and (B) of section*  
 10 *301(b)(1) of the Customs Procedural Reform and Sim-*  
 11 *plification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B))*  
 12 *are amended to read as follows:*

13 “(A) \$1,029,608,384 for fiscal year 2000.

14 “(B) \$1,111,450,668 for fiscal year 2001.”.

1       **(b) COMMERCIAL OPERATIONS.**—*Clauses (i) and (ii)*  
2 *of section 301(b)(2)(A) of such Act (19 U.S.C.*  
3 *2075(b)(2)(A)(i) and (ii)) are amended to read as follows:*

4                   “(i) \$1,251,794,435 for fiscal year  
5                   2000.

6                   “(ii) \$1,348,676,435 for fiscal year  
7                   2001.”.

8       **(c) AIR AND MARINE INTERDICTION.**—*Subparagraphs*  
9 *(A) and (B) of section 301(b)(3) of such Act (19 U.S.C.*  
10 *2075(b)(3)(A) and (B)) are amended to read as follows:*

11                   “(A) \$229,001,000 for fiscal year 2000.

12                   “(B) \$176,967,000 for fiscal year 2001.”.

13       **(d) SUBMISSION OF BUDGET PROJECTIONS.**—*Section*  
14 *301(a) of such Act (19 U.S.C. 2075(a)) is amended by add-*  
15 *ing at the end the following:*

16                   “(3) *By no later than the date on which the*  
17 *President submits to Congress the budget of the*  
18 *United States Government for a fiscal year, the Com-*  
19 *missioner of Customs shall submit to the Committee*  
20 *on Appropriations and the Committee on Ways and*  
21 *Means of the House of Representatives and the Com-*  
22 *mittee on Appropriations and the Committee on Fi-*  
23 *nance of the Senate the budget request submitted to*  
24 *the Secretary of the Treasury estimating the amount*  
25 *of funds for that fiscal year that will be necessary for*

1 *the operations of the Customs Service as provided for*  
2 *in subsection (b).”.*

3 *(e) AUTHORIZATION OF APPROPRIATIONS FOR MOD-*  
4 *ERNIZING CUSTOMS SERVICE COMPUTER SYSTEMS.—*

5 *(1) ESTABLISHMENT OF AUTOMATION MOD-*  
6 *ERNIZATION WORKING CAPITAL FUND.—There is es-*  
7 *tablished within the United States Customs Service*  
8 *an Automation Modernization Working Capital Fund*  
9 *(in this section referred to as the “Fund”). The Fund*  
10 *shall consist of the amounts authorized to be appro-*  
11 *priated under paragraph (2) and shall be used to im-*  
12 *plement a program for modernizing the Customs*  
13 *Service computer systems, to maintain the existing*  
14 *computer systems until a modernized computer sys-*  
15 *tem is fully implemented, and for related computer*  
16 *system modernization activities.*

17 *(2) AUTHORIZATION OF APPROPRIATIONS.—*  
18 *There are authorized to be appropriated for the Fund*  
19 *\$242,000,000 for fiscal year 2000 and \$336,000,000*  
20 *for fiscal year 2001. The amounts authorized to be*  
21 *appropriated under this paragraph shall remain*  
22 *available until expended.*

23 *(3) REPORT AND AUDIT.—*

24 *(A) REPORT.—The Commissioner of Cus-*  
25 *toms shall, not later than March 31 and Sep-*

1            *tember 30 of each year, report to the Comptroller*  
2            *General of the United States, the Committee on*  
3            *Appropriations and the Committee on Ways and*  
4            *Means of the House of Representatives and the*  
5            *Committee on Appropriations and the Com-*  
6            *mittee on Finance of the Senate regarding the*  
7            *progress being made in the modernization of the*  
8            *Customs Service computer systems. Each report*  
9            *shall—*

10                    *(i) include explicit criteria used to*  
11                    *identify, evaluate, and prioritize invest-*  
12                    *ments for computer systems modernization*  
13                    *planned for the Customs Service for each of*  
14                    *fiscal years 2000 through 2004;*

15                    *(ii) provide a schedule for mitigating*  
16                    *any deficiencies identified by the General*  
17                    *Accounting Office and for developing and*  
18                    *implementing all computer systems mod-*  
19                    *ernization projects;*

20                    *(iii) provide a plan for expanding the*  
21                    *utilization of private sector sources for the*  
22                    *development and integration of computer*  
23                    *systems; and*

24                    *(iv) contain timely schedules and re-*  
25                    *source allocations for implementing the*

1           *modernization of the Customs Service com-*  
2           *puter systems.*

3           *(B) AUDIT.—Not later than 30 days after a*  
4           *report described in subparagraph (A) is received,*  
5           *the Comptroller General of the United States*  
6           *shall audit the report and shall provide the re-*  
7           *sults of the audit to the Commissioner of Cus-*  
8           *toms, to the Committee on Appropriations and*  
9           *the Committee on Ways and Means of the House*  
10          *of Representatives, and to the Committee on Ap-*  
11          *propriations and the Committee on Finance of*  
12          *the Senate.*

13 **SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION**  
14           **EQUIPMENT FOR THE UNITED STATES-MEX-**  
15           **ICO BORDER, UNITED STATES-CANADA BOR-**  
16           **DER, AND FLORIDA AND GULF COAST SEA-**  
17           **PORTS; INTERNAL MANAGEMENT IMPROVE-**  
18           **MENTS.**

19          *(a) FISCAL YEAR 2000.—Of the amounts made avail-*  
20          *able for fiscal year 2000 under section 301(b)(1)(A) of the*  
21          *Customs Procedural Reform and Simplification Act of 1978*  
22          *(19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a)*  
23          *of this Act, \$116,436,000 shall be available until expended*  
24          *for acquisition and other expenses associated with imple-*  
25          *mentation and deployment of narcotics detection equipment*

1 *along the United States-Mexico border, the United States-*  
2 *Canada border, and Florida and the Gulf Coast seaports,*  
3 *and for internal management improvements as follows:*

4 (1) *UNITED STATES-MEXICO BORDER.—For the*  
5 *United States-Mexico border, the following amounts*  
6 *shall be available:*

7 (A) *\$6,000,000 for 8 Vehicle and Container*  
8 *Inspection Systems (VACIS).*

9 (B) *\$11,000,000 for 5 mobile truck x-rays*  
10 *with transmission and backscatter imaging.*

11 (C) *\$12,000,000 for the upgrade of 8 fixed-*  
12 *site truck x-rays from the present energy level of*  
13 *450,000 electron volts to 1,000,000 electron volts*  
14 *(1-MeV).*

15 (D) *\$7,200,000 for 8 1-MeV pallet x-rays.*

16 (E) *\$1,000,000 for 200 portable contraband*  
17 *detectors (busters) to be distributed among ports*  
18 *where the current allocations are inadequate.*

19 (F) *\$600,000 for 50 contraband detection*  
20 *kits to be distributed among all southwest border*  
21 *ports based on traffic volume.*

22 (G) *\$500,000 for 25 ultrasonic container in-*  
23 *spection units to be distributed among all ports*  
24 *receiving liquid-filled cargo and to ports with a*  
25 *hazardous material inspection facility.*

1           (H) \$2,450,000 for 7 automated targeting  
2 systems.

3           (I) \$360,000 for 30 rapid tire deflator sys-  
4 tems to be distributed to those ports where port  
5 runners are a threat.

6           (J) \$480,000 for 20 portable Treasury En-  
7 forcement Communications Systems (TECS) ter-  
8 minals to be moved among ports as needed.

9           (K) \$1,000,000 for 20 remote watch surveil-  
10 lance camera systems at ports where there are  
11 suspicious activities at loading docks, vehicle  
12 queues, secondary inspection lanes, or areas  
13 where visual surveillance or observation is ob-  
14 scured.

15          (L) \$1,254,000 for 57 weigh-in-motion sen-  
16 sors to be distributed among the ports with the  
17 greatest volume of outbound traffic.

18          (M) \$180,000 for 36 AM traffic information  
19 radio stations, with 1 station to be located at  
20 each border crossing.

21          (N) \$1,040,000 for 260 inbound vehicle  
22 counters to be installed at every inbound vehicle  
23 lane.

24          (O) \$950,000 for 38 spotter camera systems  
25 to counter the surveillance of customs inspection



1            *activities by persons outside the boundaries of*  
2            *ports where such surveillance activities are oc-*  
3            *curring.*

4            *(P) \$390,000 for 60 inbound commercial*  
5            *truck transponders to be distributed to all ports*  
6            *of entry.*

7            *(Q) \$1,600,000 for 40 narcotics vapor and*  
8            *particle detectors to be distributed to each border*  
9            *crossing.*

10           *(R) \$400,000 for license plate reader auto-*  
11           *matic targeting software to be installed at each*  
12           *port to target inbound vehicles.*

13           *(S) \$1,000,000 for a demonstration site for*  
14           *a high-energy relocatable rail car inspection sys-*  
15           *tem with an x-ray source switchable from*  
16           *2,000,000 electron volts (2-MeV) to 6,000,000*  
17           *electron volts (6-MeV) at a shared Department of*  
18           *Defense testing facility for a two-month testing*  
19           *period.*

20           *(2) UNITED STATES-CANADA BORDER.—For the*  
21           *United States-Canada border, the following amounts*  
22           *shall be available:*

23           *(A) \$3,000,000 for 4 Vehicle and Container*  
24           *Inspection Systems (VACIS).*

1           (B) \$8,800,000 for 4 mobile truck x-rays  
2           with transmission and backscatter imaging.

3           (C) \$3,600,000 for 4 1-MeV pallet x-rays.

4           (D) \$250,000 for 50 portable contraband de-  
5           tectors (busters) to be distributed among ports  
6           where the current allocations are inadequate.

7           (E) \$300,000 for 25 contraband detection  
8           kits to be distributed among ports based on traf-  
9           fic volume.

10          (F) \$240,000 for 10 portable Treasury En-  
11          forcement Communications Systems (TECS) ter-  
12          minals to be moved among ports as needed.

13          (G) \$400,000 for 10 narcotics vapor and  
14          particle detectors to be distributed to each border  
15          crossing based on traffic volume.

16          (H) \$600,000 for 30 fiber optic scopes.

17          (I) \$250,000 for 50 portable contraband de-  
18          tectors (busters) to be distributed among ports  
19          where the current allocations are inadequate.

20          (J) \$3,000,000 for 10 x-ray vans with par-  
21          ticle detectors.

22          (K) \$40,000 for 8 AM loop radio systems.

23          (L) \$400,000 for 100 vehicle counters.

24          (M) \$1,200,000 for 12 examination tool  
25          trucks.

1           (N) \$2,400,000 for 3 dedicated commuter  
2 lanes.

3           (O) \$1,050,000 for 3 automated targeting  
4 systems.

5           (P) \$572,000 for 26 weigh-in-motion sen-  
6 sors.

7           (Q) \$480,000 for 20 portable Treasury En-  
8 forcement Communication Systems (TECS).

9           (3) *FLORIDA AND GULF COAST SEAPORTS.*—For  
10 Florida and the Gulf Coast seaports, the following  
11 amounts shall be available:

12           (A) \$4,500,000 for 6 Vehicle and Container  
13 Inspection Systems (VACIS).

14           (B) \$11,800,000 for 5 mobile truck x-rays  
15 with transmission and backscatter imaging.

16           (C) \$7,200,000 for 8 1-MeV pallet x-rays.

17           (D) \$250,000 for 50 portable contraband de-  
18 tectors (busters) to be distributed among ports  
19 where the current allocations are inadequate.

20           (E) \$300,000 for 25 contraband detection  
21 kits to be distributed among ports based on traf-  
22 fic volume.

23           (4) *INTERNAL MANAGEMENT IMPROVEMENTS.*—  
24 For internal management improvements, the fol-  
25 lowing amounts shall be available:

1           (A) \$2,500,000 for automated systems for  
2 management of internal affairs functions.

3           (B) \$700,000 for enhanced internal affairs  
4 file management systems.

5           (C) \$2,700,000 for enhanced financial asset  
6 management systems.

7           (D) \$6,100,000 for enhanced human re-  
8 sources information system to improve personnel  
9 management.

10          (E) \$2,700,000 for new data management  
11 systems for improved performance analysis, in-  
12 ternal and external reporting, and data analysis.

13          (F) \$1,700,000 for automation of the collec-  
14 tion of key export data as part of the implemen-  
15 tation of the Automated Export system.

16       (b) *TEXTILE TRANSSHIPMENT.*—Of the amounts made  
17 available for fiscal years 2000 and 2001 under section  
18 301(b)(1)(B) of the Customs Procedural Reform and Sim-  
19 plification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as  
20 amended by section 101(a) of this Act, \$3,364,435 shall be  
21 available for each fiscal year for textile transshipment en-  
22 forcement.

23       (c) *FISCAL YEAR 2001.*—Of the amounts made avail-  
24 able for fiscal year 2001 under section 301(b)(1)(B) of the  
25 Customs Procedural Reform and Simplification Act of 1978

1 *(19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a)*  
2 *of this Act, \$9,923,500 shall be available for the mainte-*  
3 *nance and support of the equipment and training of per-*  
4 *sonnel to maintain and support the equipment described*  
5 *in subsection (a).*

6 *(d) ACQUISITION OF TECHNOLOGICALLY SUPERIOR*  
7 *EQUIPMENT; TRANSFER OF FUNDS.—*

8 *(1) IN GENERAL.—The Commissioner of Customs*  
9 *may use amounts made available for fiscal year 2000*  
10 *under section 301(b)(1)(A) of the Customs Procedural*  
11 *Reform and Simplification Act of 1978 (19 U.S.C.*  
12 *2075(b)(1)(A)), as amended by section 101(a) of this*  
13 *Act, for the acquisition of equipment other than the*  
14 *equipment described in subsection (a) if such other*  
15 *equipment—*

16 *(A)(i) is technologically superior to the*  
17 *equipment described in subsection (a); and*

18 *(ii) will achieve at least the same results at*  
19 *a cost that is the same or less than the equip-*  
20 *ment described in subsection (a); or*

21 *(B) is technologically equivalent to the*  
22 *equipment described in subsection (a) and can be*  
23 *obtained at a lower cost than the equipment de-*  
24 *scribed in subsection (a).*

1           (2) *TRANSFER OF FUNDS.*—*Notwithstanding any*  
2 *other provision of this section, the Commissioner of*  
3 *Customs may reallocate an amount not to exceed 25*  
4 *percent of—*

5                   (A) *the amount specified in any of subpara-*  
6 *graphs (A) through (R) of subsection (a)(1) for*  
7 *equipment specified in any other of such sub-*  
8 *paragraphs (A) through (R);*

9                   (B) *the amount specified in any of subpara-*  
10 *graphs (A) through (Q) of subsection (a)(2) for*  
11 *equipment specified in any other of such sub-*  
12 *paragraphs (A) through (Q); and*

13                   (C) *the amount specified in any of subpara-*  
14 *graphs (A) through (E) of subsection (a)(3) for*  
15 *equipment specified in any other of such sub-*  
16 *paragraphs (A) through (E).*

17 **SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE EN-**  
18 **HANCEMENT FOR THE UNITED STATES-MEX-**  
19 **ICO AND UNITED STATES-CANADA BORDERS,**  
20 **FLORIDA AND GULF COAST SEAPORTS, AND**  
21 **THE BAHAMAS.**

22           (a) *IN GENERAL.*—*Of the amounts made available for*  
23 *fiscal years 2000 and 2001 under subparagraphs (A) and*  
24 *(B) of section 301(b)(1) of the Customs Procedural Reform*  
25 *and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)*

1 *and (B)), as amended by section 101(a) of this Act,*  
2 *\$181,864,800 for fiscal year 2000 (including \$5,673,600*  
3 *until expended for investigative equipment) and*  
4 *\$230,983,340 for fiscal year 2001 shall be available for the*  
5 *following:*

6           (1) *A net increase of 535 inspectors, 120 special*  
7 *agents, and 10 intelligence analysts for the United*  
8 *States-Mexico border, and 375 inspectors for the*  
9 *United States-Canada border, in order to open all*  
10 *primary lanes on such borders during peak hours and*  
11 *enhance investigative resources.*

12           (2) *A net increase of 285 inspectors and canine*  
13 *enforcement officers to be distributed at large cargo*  
14 *facilities as needed to process and screen cargo (in-*  
15 *cluding rail cargo) and reduce commercial waiting*  
16 *times on the United States-Mexico border and a net*  
17 *increase of 125 inspectors to be distributed at large*  
18 *cargo facilities as needed to process and screen cargo*  
19 *(including rail cargo) and reduce commercial waiting*  
20 *times on the United States-Canada border.*

21           (3) *A net increase of 40 special agents and 10*  
22 *intelligence analysts to facilitate the activities of the*  
23 *additional inspectors authorized under paragraphs*  
24 *(1) and (2).*

1           (4) *A net increase of 40 inspectors at sea ports*  
2           *in southeast Florida to process and screen cargo.*

3           (5) *A net increase of 70 special agent positions,*  
4           *23 intelligence analyst positions, 9 support staff posi-*  
5           *tions, and the necessary equipment to enhance inves-*  
6           *tigation efforts targeted at internal conspiracies at the*  
7           *Nation's seaports.*

8           (6) *A net increase of 360 special agents, 30 intel-*  
9           *ligence analysts, and additional resources to be dis-*  
10          *tributed among offices that have jurisdiction over*  
11          *major metropolitan drug or narcotics distribution*  
12          *and transportation centers for intensification of ef-*  
13          *forts against drug smuggling and money-laundering*  
14          *organizations.*

15          (7) *A net increase of 2 special agent positions to*  
16          *re-establish a Customs Attache office in Nassau.*

17          (8) *A net increase of 62 special agent positions*  
18          *and 8 intelligence analyst positions for maritime*  
19          *smuggling investigations and interdiction operations.*

20          (9) *A net increase of 50 positions and additional*  
21          *resources to the Office of Internal Affairs to enhance*  
22          *investigative resources for anticorruption efforts.*

23          (10) *The costs incurred as a result of the increase*  
24          *in personnel hired pursuant to this section.*



1       (b) *RELOCATION OF PERSONNEL.*—Notwithstanding  
2 any other provision of this section, the Commissioner of  
3 Customs may reduce the amount of additional personnel  
4 provided for in any of paragraphs (1) through (9) of sub-  
5 section (a) by not more than 25 percent, if the Commis-  
6 sioner of Customs makes a corresponding increase in the  
7 personnel provided for in one or more of such paragraphs  
8 (1) through (9).

9       (c) *NET INCREASE.*—In this section, the term “net in-  
10 crease” means an increase in the number of employees in  
11 each position described in this section over the number of  
12 employees in each such position that was provided for in  
13 fiscal year 1999.

14 **SEC. 104. AGENT ROTATIONS; ELIMINATION OF BACKLOG**  
15 **OF BACKGROUND INVESTIGATIONS.**

16       Of the amounts made available for fiscal years 2000  
17 and 2001 under section 301(b)(1) (A) and (B) of the *Cus-*  
18 *toms Procedural Reform and Simplification Act of 1978*  
19 *(19 U.S.C. 2075(b)(1) (A) and (B))*, as amended by section  
20 101(a) of this Act, \$16,000,000 for fiscal year 2000 (includ-  
21 ing \$10,000,000 until expended) and \$6,000,000 for fiscal  
22 year 2001 shall be available to—

23               (1) provide additional funding to clear the back-  
24 log of existing background investigations and to pro-

1 *vide for background investigations during extraor-*  
2 *dinary recruitment activities of the agency; and*

3 *(2) provide for the interoffice transfer of up to*  
4 *100 special agents, including costs related to reloca-*  
5 *tions, between the Office of Investigations and Office*  
6 *of Internal Affairs, at the discretion of the Commis-*  
7 *sioner of Customs.*

8 **SEC. 105. AIR AND MARINE OPERATION AND MAINTENANCE**  
9 **FUNDING.**

10 *(a) FISCAL YEAR 2000.—Of the amounts made avail-*  
11 *able for fiscal year 2000 under subparagraphs (A) and (B)*  
12 *of section 301(b)(3) of the Customs Procedural Reform and*  
13 *Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and*  
14 *(B)), as amended by section 101(c) of this Act, \$130,513,000*  
15 *shall be available until expended for the following:*

16 *(1) \$96,500,000 for Customs Service aircraft res-*  
17 *toration and replacement initiative.*

18 *(2) \$15,000,000 for increased air interdiction*  
19 *and investigative support activities.*

20 *(3) \$19,013,000 for marine vessel replacement*  
21 *and related equipment.*

22 *(b) FISCAL YEAR 2001.—Of the amounts made avail-*  
23 *able for fiscal year 2001 under subparagraphs (A) and (B)*  
24 *of section 301(b)(3) of the Customs Procedural Reform and*  
25 *Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and*

1 *(B) as amended by section 101(c) of this Act, \$75,524,000*  
2 *shall be available until expended for the following:*

3 *(1) \$36,500,000 for Customs Service aircraft res-*  
4 *toration and replacement.*

5 *(2) \$15,000,000 for increased air interdiction*  
6 *and investigative support activities.*

7 *(3) \$24,024,000 for marine vessel replacement*  
8 *and related equipment.*

9 **SEC. 106. COMPLIANCE WITH PERFORMANCE PLAN RE-**  
10 **QUIREMENTS.**

11 *(a) IN GENERAL.—As part of the annual performance*  
12 *plan for each of fiscal years 2000 and 2001, as required*  
13 *under section 1115 of title 31, United States Code, the Com-*  
14 *missioner of Customs shall evaluate the benefits of the ac-*  
15 *tivities authorized to be carried out pursuant to sections*  
16 *102 through 105 of this Act.*

17 *(b) ENFORCEMENT PERFORMANCE MEASURES.—The*  
18 *Commissioner of Customs is authorized to contract for the*  
19 *review and assessment of enforcement performance goals*  
20 *and indicators required by section 1115 of title 31, United*  
21 *States Code, with experts in the field of law enforcement,*  
22 *from academia, and from the research community. Any*  
23 *contract for review or assessment conducted pursuant to*  
24 *this subsection shall provide for recommendations of addi-*

1 *tional measures that would improve the enforcement strat-*  
2 *egy and activities of the Customs Service.*

3 (c) *REPORT TO CONGRESS.*—*The Commissioner of*  
4 *Customs shall submit any assessment, review, or report pro-*  
5 *vided for under this section to the Committee on Finance*  
6 *of the Senate and the Committee on Ways and Means of*  
7 *the House of Representatives.*

8 **SEC. 107. TRANSFER OF AEROSTATS.**

9 (a) *IN GENERAL.*—*The President shall submit a plan*  
10 *for funding the acquisition and operation by the Customs*  
11 *Service of tethered aerostat radar systems currently oper-*  
12 *ated by the Department of the Air Force and scheduled for*  
13 *replacement in fiscal year 2001.*

14 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
15 *authorized to be appropriated such sums as may be nec-*  
16 *essary to permit the operation and maintenance of the aero-*  
17 *stat radar systems, after the systems are transferred to the*  
18 *Customs Service.*

19 **SEC. 108. REPORT ON INTELLIGENCE REQUIREMENTS.**

20 *The Commissioner of Customs shall, not later than 1*  
21 *year of the date of enactment of this Act, provide the Com-*  
22 *mittee on Finance of the Senate and the Committee on*  
23 *Ways and Means of the House of Representatives with—*

1           (1) *an assessment of the intelligence- and infor-*  
2           *mation-gathering capabilities and needs of the Cus-*  
3           *toms Service;*

4           (2) *the impact of any limitations on the intel-*  
5           *ligence and information gathering capabilities nec-*  
6           *essary for adequate enforcement of the customs laws*  
7           *of the United States and other laws enforced by the*  
8           *Customs Service; and*

9           (3) *a report detailing the Commissioner's rec-*  
10          *ommendations for improving the agency's capabili-*  
11          *ties.*

12 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**  
13                           **GRAM TO PREVENT CHILD PORNOGRAPHY**  
14                           **AND SEXUAL EXPLOITATION OF CHILDREN.**

15          (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
16          *authorized to be appropriated to the Customs Service*  
17          *\$10,000,000 for fiscal year 2000 to carry out the program*  
18          *to prevent child pornography and sexual exploitation of*  
19          *children established by the Child Cyber-Smuggling Center*  
20          *of the Customs Service.*

21          (b) *USE OF AMOUNTS FOR CHILD PORNOGRAPHY*  
22          *CYBER TIPLINE.—Of the amount appropriated under sub-*  
23          *section (a), the Customs Service shall provide 3.75 percent*  
24          *of such amount to the National Center for Missing and Ex-*  
25          *ploited Children for the operation of the child pornography*

1 *cyber tipline of the Center and for increased public aware-*  
 2 *ness of the tipline.*

3 **TITLE II—CUSTOMS**  
 4 **MANAGEMENT**

5 **SEC. 201. TERM AND SALARY OF THE COMMISSIONER OF**  
 6 **CUSTOMS.**

7 *(a) TERM.—*

8 *(1) GENERAL REQUIREMENTS.—The first section*  
 9 *of the Act entitled “An Act to create a Bureau of Cus-*  
 10 *toms and a Bureau of Prohibition in the Department*  
 11 *of the Treasury”, approved March 3, 1927 (19 U.S.C.*  
 12 *2071) is amended—*

13 *(A) by striking “There shall be” and insert-*  
 14 *ing “(a) IN GENERAL.—There shall be”;*

15 *(B) in the second sentence—*

16 *(i) by inserting “for a term of 5 years”*  
 17 *after “Senate”;*

18 *(ii) by striking “and” at the end of*  
 19 *paragraph (2);*

20 *(iii) by striking the period at the end*  
 21 *of paragraph (3) and inserting “; and”;*  
 22 *and*

23 *(iv) by adding at the end the following*  
 24 *new paragraph:*

1           “(4) have demonstrated ability in manage-  
2           ment.”; and

3                       (C) by adding at the end the following:

4           “(b) VACANCY.—Any individual appointed to fill a va-  
5           cancy in the position of Commissioner occurring before the  
6           expiration of the term for which the individual’s predecessor  
7           was appointed shall be appointed only for the remainder  
8           of that term.

9           “(c) REMOVAL.—The Commissioner may be removed  
10          at the will of the President.

11          “(d) REAPPOINTMENT.—The Commissioner may be  
12          appointed to more than one 5-year term.”.

13                   (2) CURRENT OFFICE HOLDER.— In the case of  
14          an individual serving as the Commissioner of Cus-  
15          toms on the date of enactment of this Act, who was  
16          appointed to such position before such date, the 5-  
17          year term required by the first section of the Act enti-  
18          tled “An Act to create a Bureau of Customs and a  
19          Bureau of Prohibition in the Department of the  
20          Treasury”, as amended by this section, shall begin as  
21          of the date of such appointment.

22          (b) SALARY.—

23                   (1) IN GENERAL.—

24                               (A) Section 5315 of title 5, United States  
25                               Code, is amended by striking the following item:

1           “Commissioner of Customs, Department of the  
2           Treasury.”.

3           (B) Section 5314 of title 5, United States  
4           Code, is amended by inserting at the end the fol-  
5           lowing item:

6           “Commissioner of Customs, Department of the  
7           Treasury.”.

8           (2) *EFFECTIVE DATE.*—The amendments made  
9           by this subsection shall take effect on October 1, 1999.

10 **SEC. 202. INTERNAL COMPLIANCE.**

11           (a) *ESTABLISHMENT OF INTERNAL COMPLIANCE PRO-*  
12 *GRAM.*—The Commissioner of Customs shall—

13           (1) establish, within the Office of Internal Af-  
14           fairs, a program of internal compliance designed to  
15           enhance the performance of the basic mission of the  
16           Customs Service to ensure compliance with all appli-  
17           cable laws and, in particular, with the implementa-  
18           tion of title VI of the North American Free Trade  
19           Agreement Implementation Act (commonly referred to  
20           as the “Customs Modernization Act”);

21           (2) institute a program of ongoing self-assess-  
22           ment and conduct a review on an annual basis of the  
23           performance of all core functions of the Customs Serv-  
24           ice;



1           (3) *identify deficiencies in the current perform-*  
2           *ance of the Customs Service with respect to commer-*  
3           *cial operations, enforcement, and internal manage-*  
4           *ment and propose specific corrective measures to ad-*  
5           *dress such concerns; and*

6           (4) *within 6 months of the date of enactment of*  
7           *this Act, and annually thereafter, provide the Com-*  
8           *mittee on Finance of the Senate and the Committee*  
9           *on Ways and Means of the House of Representatives*  
10          *with a report on the programs and reviews conducted*  
11          *under this subsection.*

12          (b) *EVALUATION AND REPORT ON BEST PRACTICES.—*  
13          *The Commissioner of Customs shall, as part of the develop-*  
14          *ment of an improved system of internal compliance, initiate*  
15          *a review of current best practices in internal compliance*  
16          *programs among government agencies and private sector*  
17          *organizations and, not later than 18 months after the date*  
18          *of enactment of this Act, report on the results of the review*  
19          *to the Committee on Governmental Affairs and the Com-*  
20          *mittee on Finance of the Senate and the Committee on Gov-*  
21          *ernment Reform and the Committee on Ways and Means*  
22          *of the House of Representatives.*

23          (c) *REVIEW BY INSPECTOR GENERAL.—The Inspector*  
24          *General of the Department of the Treasury shall review and*  
25          *audit the implementation of the programs described in sub-*

1 *section (a) as part of the Inspector General's report required*  
2 *under the Inspector General Act of 1978 (5 U.S.C. App).*

3 **SEC. 203. REPORT ON PERSONNEL FLEXIBILITY.**

4 *Not later than 6 months after the date of enactment*  
5 *of this Act, the Commissioner of Customs shall submit to*  
6 *the Committee on Governmental Affairs and the Committee*  
7 *on Finance of the Senate and the Committee on Government*  
8 *Reform and the Committee on Ways and Means of the*  
9 *House of Representatives a report on the Commissioner's*  
10 *recommendations for modifying existing personnel rules to*  
11 *permit more effective management of the resources of the*  
12 *Customs Service and for improving the ability of the Cus-*  
13 *toms Service to fulfill its mission. The report shall also in-*  
14 *clude an analysis of why the flexibility provided under ex-*  
15 *isting personnel rules is insufficient to meet the needs of*  
16 *the Customs Service.*

17 **SEC. 204. REPORT ON IMPLEMENTATION OF PERSONNEL**  
18 **ALLOCATION MODEL.**

19 *Not later than 6 months after the date of enactment*  
20 *of this Act, the Commissioner of Customs shall report to*  
21 *the Committee on Finance of the Senate and the Committee*  
22 *on Ways and Means of the House of Representatives on the*  
23 *implementation of the personnel allocation model under de-*  
24 *velopment in the Customs Service.*

1 **SEC. 205. REPORT ON DETECTION AND MONITORING RE-**  
2 **QUIREMENTS ALONG THE SOUTHERN TIER**  
3 **AND NORTHERN BORDER.**

4 *Not later than 6 months after the date of enactment*  
5 *of this Act, the Commissioner of Customs shall submit a*  
6 *report to the Committee on Finance of the Senate and the*  
7 *Committee on Ways and Means of the House of Representa-*  
8 *tives regarding the requirements of the Customs Service for*  
9 *counterdrug detection and monitoring of the arrival zones*  
10 *along the southern tier and northern border of the United*  
11 *States. The report shall include an assessment of—*

12 *(1) the performance of existing detection and*  
13 *monitoring equipment, technology, and personnel;*

14 *(2) any gaps in radar coverage of the arrival*  
15 *zones along the southern tier and northern border of*  
16 *the United States; and*

17 *(3) any limitations imposed on the enforcement*  
18 *activities of the Customs Service as a result of the re-*  
19 *liance on detection and monitoring equipment, tech-*  
20 *nology, and personnel operated under the auspices of*  
21 *the Department of Defense.*

22 **TITLE III—MARKING**  
23 **VIOLATIONS**

24 **SEC. 301. CIVIL PENALTIES FOR MARKING VIOLATIONS.**

25 *Section 304(l) of the Tariff Act of 1930 (19 U.S.C.*  
26 *1304(l)) is amended—*

1           (1) *by redesignating paragraphs (1) and (2) as*  
2           *subparagraphs (A) and (B), respectively;*

3           (2) *by striking “Any person” and inserting “(1)*  
4           *IN GENERAL.—Any person”;*

5           (3) *by moving the remaining text 2 ems to the*  
6           *right; and*

7           (4) *by adding at the end the following new para-*  
8           *graph:*

9           “*(2) CIVIL PENALTIES.—Any person who defaces,*  
10          *destroys, removes, alters, covers, obscures, or obliter-*  
11          *ates any mark required under this section shall be*  
12          *liable for a civil penalty of not more than \$10,000 for*  
13          *each violation. The civil penalty imposed under this*  
14          *subsection shall be in addition to any marking duties*  
15          *owed under subsection (i).”.*

Amend the title so as to read: “An Act to authorize appropriations for the United States Customs Service, and for other purposes.”.

Attest:

*Secretary.*

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1833**

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**AMENDMENTS**

HR 1833 EAS—2

HR 1833 EAS—3

HR 1833 EAS—4

HR 1833 EAS—5