

Calendar No. 218

106TH CONGRESS
1ST Session

H. R. 1833

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.

JULY 20, 1999

Reported with an amendment and an amendment to the
title

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1ST SESSION**H. R. 1833**

 IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

Received; read twice and referred to the Committee on Finance

JULY 20, 1999

Reported by Mr. ROTH, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

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.

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 “Trade Agency Author-
 5 izations, Drug Free Borders, and Prevention of On-Line
 6 Child Pornography Act of 1999”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

- Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
- Sec. 102. Illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
- Sec. 103. Peak hours and investigative resource enhancement for the United States-Mexico and United States-Canada borders.
- Sec. 104. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

- Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

- Sec. 121. Correction relating to fiscal year cap.
- Sec. 122. Correction relating to overtime pay.
- Sec. 123. Correction relating to premium pay.
- Sec. 124. Use of savings from payment of overtime and premium pay for additional overtime enforcement activities of the Customs Service.
- Sec. 125. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

- Sec. 131. Study and report relating to personnel practices of the Customs Service.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

- Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

- Sec. 301. Authorization of appropriations.

1 **TITLE I—UNITED STATES**
 2 **CUSTOMS SERVICE**
 3 **Subtitle A—Drug Enforcement and**
 4 **Other Noncommercial and Com-**
 5 **mmercial Operations**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NON-**
 7 **COMMERCIAL OPERATIONS, COMMERCIAL**
 8 **OPERATIONS, AND AIR AND MARINE INTER-**
 9 **DICTION.**

10 (a) **NONCOMMERCIAL OPERATIONS.**—Section
 11 301(b)(1) of the Customs Procedural Reform and Sim-
 12 plification Act of 1978 (19 U.S.C. 2075(b)(1)) is
 13 amended—

14 (1) in subparagraph (A) to read as follows:

15 “(A) \$999,563,000 for fiscal year 2000.”;

16 and

17 (2) in subparagraph (B) to read as follows:

18 “(B) \$996,464,000 for fiscal year 2001.”.

19 (b) **COMMERCIAL OPERATIONS.**—

20 (1) **IN GENERAL.**—Section 301(b)(2)(A) of the
 21 Customs Procedural Reform and Simplification Act
 22 of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

23 (A) in clause (i) to read as follows:

24 “(i) \$1,154,359,000 for fiscal year 2000.”;

25 and

1 (B) in clause (ii) to read as follows:

2 “(ii) \$1,194,534,000 for fiscal year
3 2001.”.

4 (2) REPORTS.—Not later than 90 days after
5 the date of the enactment of this Act, and not later
6 than each subsequent 90-day period, the Commis-
7 sioner of Customs shall prepare and submit to the
8 Committee on Ways and Means of the House of
9 Representatives and the Committee on Finance of
10 the Senate a report demonstrating that the develop-
11 ment and establishment of the automated commer-
12 cial environment computer system is being carried
13 out in a cost-effective manner and meets the mod-
14 ernization requirements of title VI of the North
15 American Free Trade Agreements Implementation
16 Act.

17 (e) AIR AND MARINE INTERDICTION.—Section
18 301(b)(3) of the Customs Procedural Reform and Sim-
19 plification Act of 1978 (19 U.S.C. 2075(b)(3)) is
20 amended—

21 (1) in subparagraph (A) to read as follows:

22 “(A) \$109,413,000 for fiscal year 2000.”;

23 and

24 (2) in subparagraph (B) to read as follows:

25 “(B) \$113,789,000 for fiscal year 2001.”.

1 (d) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
2 TIONS.—Section 301(a) of the Customs Procedural Re-
3 form and Simplification Act of 1978 (19 U.S.C. 2075(a))
4 is amended by adding at the end the following:

5 “(3) By no later than the date on which the President
6 submits to the Congress the budget of the United States
7 Government for a fiscal year, the Commissioner of Cus-
8 toms shall submit to the Committee on Ways and Means
9 of the House of Representatives and the Committee on
10 Finance of the Senate the projected amount of funds for
11 the succeeding fiscal year that will be necessary for the
12 operations of the Customs Service as provided for in sub-
13 section (b).”.

14 **SEC. 102. ILLICIT NARCOTICS DETECTION EQUIPMENT FOR**
15 **THE UNITED STATES-MEXICO BORDER,**
16 **UNITED STATES-CANADA BORDER, AND**
17 **FLORIDA AND THE GULF COAST SEAPORTS.**

18 (a) FISCAL YEAR 2000.—Of the amounts made avail-
19 able for fiscal year 2000 under section 301(b)(1)(A) of
20 the Customs Procedural Reform and Simplification Act of
21 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
22 101(a) of this Act, \$90,244,000 shall be available until
23 expended for acquisition and other expenses associated
24 with implementation and deployment of illicit narcotics de-
25 tection equipment along the United States-Mexico border,

1 the United States-Canada border, and Florida and the
2 Gulf Coast seaports, as follows:

3 (1) ~~UNITED STATES-MEXICO BORDER.~~—For the
4 United States-Mexico border, the following:

5 (A) \$6,000,000 for 8 Vehicle and Con-
6 tainer Inspection Systems (VACIS).

7 (B) \$11,200,000 for 5 mobile truck x-rays
8 with transmission and backscatter imaging.

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

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

14 (E) \$1,000,000 for 200 portable contra-
15 band detectors (busters) to be distributed
16 among ports where the current allocations are
17 inadequate.

18 (F) \$600,000 for 50 contraband detection
19 kits to be distributed among all southwest bor-
20 der ports based on traffic volume.

21 (G) \$500,000 for 25 ultrasonic container
22 inspection units to be distributed among all
23 ports receiving liquid-filled cargo and to ports
24 with a 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)
8 terminals to be moved among ports as needed.

9 (K) \$1,000,000 for 20 remote watch sur-
10 veillance camera systems at ports where there
11 are suspicious activities at loading docks, vehi-
12 cle 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
16 sensors to be distributed among the ports with
17 the greatest volume of outbound traffic.

18 (M) \$180,000 for 36 AM traffic informa-
19 tion radio stations, with 1 station to be located
20 at 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 sys-
25 tems to counter the surveillance of customs in-

1 specification activities by persons outside the bound-
2 aries of ports where such surveillance activities
3 are occurring.

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 bor-
9 der 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 (2) ~~UNITED STATES-CANADA BORDER.~~—For the
14 United States-Canada border, the following:

15 (A) \$3,000,000 for 4 Vehicle and Con-
16 tainer Inspection Systems (VACIS).

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

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

20 (D) \$250,000 for 50 portable contraband
21 detectors (busters) to be distributed among
22 ports where the current allocations are inad-
23 equate.

1 (E) \$300,000 for 25 contraband detection
2 kits to be distributed among ports based on
3 traffic volume.

4 (F) \$240,000 for 10 portable Treasury
5 Enforcement Communications Systems (TECS)
6 terminals to be moved among ports as needed.

7 (G) \$400,000 for 10 narcotics vapor and
8 particle detectors to be distributed to each bor-
9 der crossing based on traffic volume.

10 (3) FLORIDA AND GULF COAST SEAPORTS.—

11 For Florida and the Gulf Coast seaports, the fol-
12 lowing:

13 (A) \$4,500,000 for 6 Vehicle and Con-
14 tainer Inspection Systems (VACIS).

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

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

18 (D) \$250,000 for 50 portable contraband
19 detectors (busters) to be distributed among
20 ports where the current allocations are inad-
21 equate.

22 (E) \$300,000 for 25 contraband detection
23 kits to be distributed among ports based on
24 traffic volume.

1 (b) FISCAL YEAR 2001.—Of the amounts made avail-
2 able for fiscal year 2001 under section 301(b)(1)(B) of
3 the Customs Procedural Reform and Simplification Act of
4 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section
5 101(a) of this Act, \$8,924,500 shall be available until ex-
6 pended for the maintenance and support of the equipment
7 and training of personnel to maintain and support the
8 equipment described in subsection (a).

9 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
10 EQUIPMENT; TRANSFER OF FUNDS.—

11 (1) IN GENERAL.—The Commissioner of Cus-
12 toms may use amounts made available for fiscal year
13 2000 under section 301(b)(1)(A) of the Customs
14 Procedural Reform and Simplification Act of 1978
15 (19 U.S.C. 2075(b)(1)(A)), as amended by section
16 101(a) of this Act, for the acquisition of equipment
17 other than the equipment described in subsection (a)
18 if such other equipment—

19 (A)(i) is technologically superior to the
20 equipment described in subsection (a); and

21 (ii) will achieve at least the same results at
22 a cost that is the same or less than the equip-
23 ment described in subsection (a); or

24 (B) can be obtained at a lower cost than
25 the equipment described in subsection (a).

1 (2) TRANSFER OF FUNDS.—Notwithstanding
2 any other provision of this section, the Commissioner
3 of Customs may reallocate an amount not to exceed
4 10 percent of—

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

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

13 (C) the amount specified in any of sub-
14 paragraphs (A) through (E) of subsection
15 (a)(3) for equipment specified in any other of
16 such subparagraphs (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 Of the amounts made available for fiscal years 2000
21 and 2001 under subparagraphs (A) and (B) of section
22 301(b)(1) of the Customs Procedural Reform and Sim-
23 plification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and
24 (B)); as amended by section 101(a) of this Act,

1 \$127,644,584 for fiscal year 2000 and \$184,110,928 for
2 fiscal year 2001 shall be available for the following:

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

9 (2) A net increase of 285 inspectors and canine
10 enforcement officers to be distributed at large cargo
11 facilities as needed to process and screen cargo (in-
12 cluding rail cargo) and reduce commercial waiting
13 times on the United States-Mexico border.

14 (3) A net increase of 40 inspectors at sea ports
15 in southeast Florida to process and screen cargo.

16 (4) A net increase of 300 special agents, 30 in-
17 telligence analysts, and additional resources to be
18 distributed among offices that have jurisdiction over
19 major metropolitan drug or narcotics distribution
20 and transportation centers for intensification of ef-
21 forts against drug smuggling and money-laundering
22 organizations.

23 (5) A net increase of 50 positions and addi-
24 tional resources to the Office of Internal Affairs to

1 enhance investigative resources for anticorruption ef-
 2 forts.

3 (6) The costs incurred as a result of the in-
 4 crease in personnel hired pursuant to this section.

5 **SEC. 104. COMPLIANCE WITH PERFORMANCE PLAN RE-**
 6 **QUIREMENTS.**

7 As part of the annual performance plan for each of
 8 the fiscal years 2000 and 2001 covering each program ac-
 9 tivity set forth in the budget of the United States Customs
 10 Service, as required under section 1115 of title 31, United
 11 States Code, the Commissioner of the Customs Service
 12 shall establish performance goals, performance indicators,
 13 and comply with all other requirements contained in para-
 14 graphs (1) through (6) of subsection (a) of such section
 15 with respect to each of the activities to be carried out pur-
 16 suant to sections 111 and 112 of this Act.

17 **Subtitle B—Child Cyber-Smuggling**
 18 **Center of the Customs Service**

19 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
 20 **GRAM TO PREVENT CHILD PORNOGRAPHY/**
 21 **CHILD SEXUAL EXPLOITATION.**

22 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
 23 authorized to be appropriated to the Customs Service
 24 \$10,000,000 for fiscal year 2000 to carry out the program
 25 to prevent child pornography/child sexual exploitation es-

1 tablished by the Child Cyber-Smuggling Center of the
2 Customs Service.

3 (b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY
4 CYBER TIPLINE.—Of the amount appropriated under sub-
5 section (a), the Customs Service shall provide 3.75 percent
6 of such amount to the National Center for Missing and
7 Exploited Children for the operation of the child pornog-
8 raphy cyber tipline of the Center and for increased public
9 awareness of the tipline.

10 **Subtitle C—Personnel Provisions**
11 **CHAPTER 1—OVERTIME AND PREMIUM**
12 **PAY OF OFFICERS OF THE CUSTOMS**
13 **SERVICE**

14 **SEC. 121. CORRECTION RELATING TO FISCAL YEAR CAP.**

15 Section 5(c)(1) of the Act of February 13, 1911 (19
16 U.S.C. 267(c)(1)) is amended to read as follows:

17 “(1) FISCAL YEAR CAP.—The aggregate of
18 overtime pay under subsection (a) (including com-
19 muting compensation under subsection (a)(2)(B))
20 that a customs officer may be paid in any fiscal year
21 may not exceed \$30,000, except that—

22 “(A) the Commissioner of Customs or his
23 or her designee may waive this limitation in in-
24 dividual cases in order to prevent excessive

1 costs or to meet emergency requirements of the
2 Customs Service; and

3 ~~“(B) upon certification by the Commis-~~
4 ~~sioner of Customs to the Chairmen of the Com-~~
5 ~~mittee on Ways and Means of the House of~~
6 ~~Representatives and the Committee on Finance~~
7 ~~of the Senate that the Customs Service has in~~
8 ~~operation a system that provides accurate and~~
9 ~~reliable data on a daily basis on overtime and~~
10 ~~premium pay that is being paid to customs offi-~~
11 ~~cers, the Commissioner is authorized to pay any~~
12 ~~customs officer for one work assignment that~~
13 ~~would result in the overtime pay of that officer~~
14 ~~exceeding the \$30,000 limitation imposed by~~
15 ~~this paragraph, in addition to any overtime pay~~
16 ~~that may be received pursuant to a waiver~~
17 ~~under subparagraph (A).”.~~

18 **SEC. 122. CORRECTION RELATING TO OVERTIME PAY.**

19 Section 5(a)(1) of the Act of February 13, 1911 (19
20 U.S.C. 267(a)(1)), is amended by inserting after the first
21 sentence the following new sentences: “Overtime pay pro-
22 vided under this subsection shall not be paid to any cus-
23 toms officer unless such officer actually performed work
24 during the time corresponding to such overtime pay. The
25 preceding sentence shall not apply with respect to the pay-

1 ment of an award or settlement to a customs officer who
 2 was unable to perform overtime work as a result of a per-
 3 sonnel action in violation of section 5596 of title 5, United
 4 States Code, section 6(d) of the Fair Labor Standards Act
 5 of 1938, or title VII of the Civil Rights Act of 1964.”.

6 **SEC. 123. CORRECTION RELATING TO PREMIUM PAY.**

7 (a) IN GENERAL.—Section 5(b)(4) of the Act of Feb-
 8 ruary 13, 1911 (19 U.S.C. 267(b)(4)), is amended by add-
 9 ing after the first sentence the following new sentences:
 10 “Premium pay provided under this subsection shall not
 11 be paid to any customs officer unless such officer actually
 12 performed work during the time corresponding to such
 13 premium pay. The preceding sentence shall not apply with
 14 respect to the payment of an award or settlement to a
 15 customs officer who was unable to perform work during
 16 the time described in the preceding sentence as a result
 17 of a personnel action in violation of section 5596 of title
 18 5, United States Code, section 6(d) of the Fair Labor
 19 Standards Act of 1938, or title VII of the Civil Rights
 20 Act of 1964.”.

21 (b) CORRECTIONS RELATING TO NIGHT WORK DIFF-
 22 FERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C.
 23 267(b)(1)) is amended to read as follows:

24 “(1) NIGHT WORK DIFFERENTIAL.—

1 “(A) 6 P.M. TO MIDNIGHT.—If any hours
2 of regularly scheduled work of a customs officer
3 occur during the hours of 6 p.m. and 12 a.m.,
4 the officer is entitled to pay for such hours of
5 work (except for work to which paragraph (2)
6 or (3) applies) at the officer’s hourly rate of
7 basic pay plus premium pay amounting to 15
8 percent of that basic rate.

9 “(B) MIDNIGHT TO 6 A.M.—If any hours
10 of regularly scheduled work of a customs officer
11 occur during the hours of 12 a.m. and 6 a.m.,
12 the officer is entitled to pay for such hours of
13 work (except for work to which paragraph (2)
14 or (3) applies) at the officer’s hourly rate of
15 basic pay plus premium pay amounting to 20
16 percent of that basic rate.

17 “(C) MIDNIGHT TO 8 A.M.—If the regu-
18 larly scheduled work of a customs officer is 12
19 a.m. to 8:00 a.m., the officer is entitled to pay
20 for work during such period (except for work to
21 which paragraph (2) or (3) applies) at the offi-
22 cer’s hourly rate of basic pay plus premium pay
23 amounting to 20 percent of that basic rate.”.

1 **SEC. 124. USE OF SAVINGS FROM PAYMENT OF OVERTIME**
2 **AND PREMIUM PAY FOR ADDITIONAL OVER-**
3 **TIME ENFORCEMENT ACTIVITIES OF THE**
4 **CUSTOMS SERVICE.**

5 Section 5 of the Act of February 13, 1911 (19 U.S.C.
6 267), is amended—

7 (1) by redesignating subsection (e) as sub-
8 section (f); and

9 (2) by inserting after subsection (d) the fol-
10 lowing:

11 “(e) USE OF SAVINGS FROM PAYMENT OF OVERTIME
12 AND PREMIUM PAY FOR ADDITIONAL OVERTIME EN-
13 FORCEMENT ACTIVITIES.—

14 “(1) USE OF AMOUNTS.—For fiscal year 1999
15 and each subsequent fiscal year, the Secretary of the
16 Treasury—

17 “(A) shall determine under paragraph (2)
18 the amount of savings from the payment of
19 overtime and premium pay to customs officers;
20 and

21 “(B) shall use an amount from the Cus-
22 toms User Fee Account equal to such amount
23 determined under paragraph (2) for additional
24 overtime enforcement activities of the Customs
25 Service.

1 ~~“(2) DETERMINATION OF SAVINGS AMOUNT.—~~

2 For each fiscal year, the Secretary shall calculate an
3 amount equal to the difference between—

4 ~~“(A) the estimated cost for overtime and~~
5 premium pay that would have been incurred
6 during that fiscal year if this section, as in ef-
7 fect on the day before the date of the enact-
8 ment of sections 122 and 123 of the Trade
9 Agency Authorization, Drug Free Borders, and
10 Prevention of On-Line Child Pornography Act
11 of 1999, had governed such costs; and

12 ~~“(B) the actual cost for overtime and pre-~~
13 mium pay that is incurred during that fiscal
14 year under this section, as amended by sections
15 122 and 123 of the Trade Agency Authoriza-
16 tion, Drug Free Borders, and Prevention of On-
17 Line Child Pornography Act of 1999.”.

18 **SEC. 125. EFFECTIVE DATE.**

19 This chapter, and the amendments made by this
20 chapter, shall apply with respect to pay periods beginning
21 on or after 15 days after the date of the enactment of
22 this Act.

1 **CHAPTER 2—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 131. STUDY AND REPORT RELATING TO PERSONNEL**
4 **PRACTICES OF THE CUSTOMS SERVICE.**

5 (a) **STUDY.**—The Commissioner of Customs shall
6 conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service
7 and a comparison of duty rotation policies of the Customs
8 Service and other Federal agencies that employ similarly-
9 situated personnel.
10
11

12
13 (b) **REPORT.**—Not later than 120 days after the date
14 of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means
15 of the House of Representatives and the Committee on
16 Finance of the Senate a report containing the results of
17 the study conducted under subsection (a).
18

19 **TITLE II—OFFICE OF THE**
20 **UNITED STATES TRADE REPRESENTATIVE**
21

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) **IN GENERAL.**—Section 141(g)(1) of the Trade
24 Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

25 (1) in subparagraph (A)—

1 (A) in the matter preceding clause (i), by
2 striking “not to exceed the following” and in-
3 serting “as follows”;

4 (B) in clause (i) to read as follows:

5 “(i) \$26,501,000 for fiscal year 2000.”; and

6 (C) in clause (ii) to read as follows:

7 “(ii) \$26,501,000 for fiscal year 2001.”; and

8 (2) in subparagraph (B)—

9 (A) in clause (i), by adding “and” at the
10 end;

11 (B) by striking clause (ii); and

12 (C) by redesignating clause (iii) as clause
13 (ii).

14 (b) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
15 TIONS.—Section 141(g) of the Trade Act of 1974 (19
16 U.S.C. 2171(g)) is amended by adding at the end the fol-
17 lowing:

18 “(3) By no later than the date on which the President
19 submits to the Congress the budget of the United States
20 Government for a fiscal year, the United States Trade
21 Representative shall submit to the Committee on Ways
22 and Means of the House of Representatives and the Com-
23 mittee on Finance of the Senate the projected amount of
24 funds for the succeeding fiscal year that will be necessary
25 for the Office to carry out its functions.”.

1 **TITLE III—UNITED STATES**
2 **INTERNATIONAL TRADE COM-**
3 **MISSION**

4 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) **IN GENERAL.**—Section 330(e)(2)(A) of the Tariff
6 Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

7 (1) in clause (i) to read as follows:

8 “(i) \$47,200,000 for fiscal year 2000.”; and

9 (2) in clause (ii) to read as follows:

10 “(ii) \$49,750,000 for fiscal year 2001.”.

11 (b) **SUBMISSION OF OUT-YEAR BUDGET PROJEC-**
12 **TIONS.**—Section 330(e) of the Tariff Act of 1930 (19
13 U.S.C. 1330(e)(2)) is amended by adding at the end the
14 following:

15 “(4) By no later than the date on which the President
16 submits to the Congress the budget of the United States
17 Government for a fiscal year, the Commission shall submit
18 to the Committee on Ways and Means of the House of
19 Representatives and the Committee on Finance of the
20 Senate the projected amount of funds for the succeeding
21 fiscal year that will be necessary for the Commission to
22 carry out its functions.”.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Customs Authorization*
25 *Act of 1999”.*

1 **SEC. 2. TABLE OF CONTENTS.**

2 *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.”.

15 (b) *COMMERCIAL OPERATIONS.*—*Clauses (i) and (ii)*
16 *of section 301(b)(2)(A) of such Act (19 U.S.C.*
17 *2075(b)(2)(A)(i) and (ii)) are amended to read as follows:*

18 “(i) \$1,251,794,435 for fiscal year
19 2000.

20 “(ii) \$1,348,676,435 for fiscal year
21 2001.”.

22 (c) *AIR AND MARINE INTERDICTION.*—*Subparagraphs*
23 *(A) and (B) of section 301(b)(3) of such Act (19 U.S.C.*
24 *2075(b)(3)(A) and (B)) are amended to read as follows:*

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

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

2 (d) *SUBMISSION OF BUDGET PROJECTIONS.*—Section
3 301(a) of such Act (19 U.S.C. 2075(a)) is amended by add-
4 ing at the end the following:

5 “(3) By no later than the date on which the
6 President submits to Congress the budget of the
7 United States Government for a fiscal year, the Com-
8 missioner of Customs shall submit to the Committee
9 on Appropriations and the Committee on Ways and
10 Means of the House of Representatives and the Com-
11 mittee on Appropriations and the Committee on Fi-
12 nance of the Senate the budget request submitted to
13 the Secretary of the Treasury estimating the amount
14 of funds for that fiscal year that will be necessary for
15 the operations of the Customs Service as provided for
16 in subsection (b).”.

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

19 (1) *ESTABLISHMENT OF AUTOMATION MOD-*
20 *ERNIZATION WORKING CAPITAL FUND.*—There is es-
21 tablished within the United States Customs Service
22 an Automation Modernization Working Capital Fund
23 (in this section referred to as the “Fund”). The Fund
24 shall consist of the amounts authorized to be appro-
25 priated under paragraph (2) and shall be used to im-

1 *plement a program for modernizing the Customs*
2 *Service computer systems, to maintain the existing*
3 *computer systems until a modernized computer sys-*
4 *tem is fully implemented, and for related computer*
5 *system modernization activities.*

6 (2) *AUTHORIZATION OF APPROPRIATIONS.—*

7 *There are authorized to be appropriated for the Fund*
8 *\$242,000,000 for fiscal year 2000 and \$336,000,000*
9 *for fiscal year 2001. The amounts authorized to be*
10 *appropriated under this paragraph shall remain*
11 *available until expended.*

12 (3) *REPORT AND AUDIT.—*

13 (A) *REPORT.—The Commissioner of Cus-*
14 *toms shall, not later than March 31 and Sep-*
15 *tember 30 of each year, report to the Comptroller*
16 *General of the United States, the Committee on*
17 *Appropriations and the Committee on Ways and*
18 *Means of the House of Representatives and the*
19 *Committee on Appropriations and the Com-*
20 *mittee on Finance of the Senate regarding the*
21 *progress being made in the modernization of the*
22 *Customs Service computer systems. Each report*
23 *shall—*

24 (i) *include explicit criteria used to*
25 *identify, evaluate, and prioritize invest-*

1 *ments for computer systems modernization*
2 *planned for the Customs Service for each of*
3 *fiscal years 2000 through 2004;*

4 *(ii) provide a schedule for mitigating*
5 *any deficiencies identified by the General*
6 *Accounting Office and for developing and*
7 *implementing all computer systems mod-*
8 *ernization projects;*

9 *(iii) provide a plan for expanding the*
10 *utilization of private sector sources for the*
11 *development and integration of computer*
12 *systems; and*

13 *(iv) contain timely schedules and re-*
14 *source allocations for implementing the*
15 *modernization of the Customs Service com-*
16 *puter systems.*

17 *(B) AUDIT.—Not later than 30 days after a*
18 *report described in subparagraph (A) is received,*
19 *the Comptroller General of the United States*
20 *shall audit the report and shall provide the re-*
21 *sults of the audit to the Commissioner of Cus-*
22 *toms, to the Committee on Appropriations and*
23 *the Committee on Ways and Means of the House*
24 *of Representatives, and to the Committee on Ap-*

1 *appropriations and the Committee on Finance of*
2 *the Senate.*

3 **SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION**
4 **EQUIPMENT FOR THE UNITED STATES-MEX-**
5 **ICO BORDER, UNITED STATES-CANADA BOR-**
6 **DER, AND FLORIDA AND GULF COAST SEA-**
7 **PORTS; INTERNAL MANAGEMENT IMPROVE-**
8 **MENTS.**

9 *(a) FISCAL YEAR 2000.—Of the amounts made avail-*
10 *able for fiscal year 2000 under section 301(b)(1)(A) of the*
11 *Customs Procedural Reform and Simplification Act of 1978*
12 *(19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a)*
13 *of this Act, \$116,436,000 shall be available until expended*
14 *for acquisition and other expenses associated with imple-*
15 *mentation and deployment of narcotics detection equipment*
16 *along the United States-Mexico border, the United States-*
17 *Canada border, and Florida and the Gulf Coast seaports,*
18 *and for internal management improvements as follows:*

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

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

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

1 (C) \$12,000,000 for the upgrade of 8 fixed-
2 site truck x-rays from the present energy level of
3 450,000 electron volts to 1,000,000 electron volts
4 (1-MeV).

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

6 (E) \$1,000,000 for 200 portable contraband
7 detectors (busters) to be distributed among ports
8 where the current allocations are inadequate.

9 (F) \$600,000 for 50 contraband detection
10 kits to be distributed among all southwest border
11 ports based on traffic volume.

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

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

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

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

24 (K) \$1,000,000 for 20 remote watch surveil-
25 lance camera systems at ports where there are

1 *suspicious activities at loading docks, vehicle*
2 *queues, secondary inspection lanes, or areas*
3 *where visual surveillance or observation is ob-*
4 *scured.*

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

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

11 (N) \$1,040,000 for 260 inbound vehicle
12 counters to be installed at every inbound vehicle
13 lane.

14 (O) \$950,000 for 38 spotter camera systems
15 to counter the surveillance of customs inspection
16 activities by persons outside the boundaries of
17 ports where such surveillance activities are oc-
18 curring.

19 (P) \$390,000 for 60 inbound commercial
20 truck transponders to be distributed to all ports
21 of entry.

22 (Q) \$1,600,000 for 40 narcotics vapor and
23 particle detectors to be distributed to each border
24 crossing.

1 (R) \$400,000 for license plate reader auto-
2 matic targeting software to be installed at each
3 port to target inbound vehicles.

4 (S) \$1,000,000 for a demonstration site for
5 a high-energy relocatable rail car inspection sys-
6 tem with an x-ray source switchable from
7 2,000,000 electron volts (2-MeV) to 6,000,000
8 electron volts (6-MeV) at a shared Department of
9 Defense testing facility for a two-month testing
10 period.

11 (2) UNITED STATES-CANADA BORDER.—For the
12 United States-Canada border, the following amounts
13 shall be available:

14 (A) \$3,000,000 for 4 Vehicle and Container
15 Inspection Systems (VACIS).

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

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

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

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

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

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

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

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

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

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

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

15 (M) \$1,200,000 for 12 examination tool
16 trucks.

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

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

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

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

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

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

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

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

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

12 (E) *\$300,000 for 25 contraband detection*
13 *kits to be distributed among ports based on traf-*
14 *fic volume.*

15 (4) *INTERNAL MANAGEMENT IMPROVEMENTS.*—
16 *For internal management improvements, the fol-*
17 *lowing amounts shall be available:*

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

20 (B) *\$700,000 for enhanced internal affairs*
21 *file management systems.*

22 (C) *\$2,700,000 for enhanced financial asset*
23 *management systems.*

1 (D) \$6,100,000 for enhanced human re-
2 sources information system to improve personnel
3 management.

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

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

10 (b) *TEXTILE TRANSSHIPMENT.*—Of the amounts made
11 available for fiscal years 2000 and 2001 under section
12 301(b)(1)(B) of the Customs Procedural Reform and Sim-
13 plification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as
14 amended by section 101(a) of this Act, \$3,364,435 shall be
15 available for each fiscal year for textile transshipment en-
16 forcement.

17 (c) *FISCAL YEAR 2001.*—Of the amounts made avail-
18 able for fiscal year 2001 under section 301(b)(1)(B) of the
19 Customs Procedural Reform and Simplification Act of 1978
20 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a)
21 of this Act, \$9,923,500 shall be available for the mainte-
22 nance and support of the equipment and training of per-
23 sonnel to maintain and support the equipment described
24 in subsection (a).

1 (d) *ACQUISITION OF TECHNOLOGICALLY SUPERIOR*
2 *EQUIPMENT; TRANSFER OF FUNDS.—*

3 (1) *IN GENERAL.—The Commissioner of Customs*
4 *may use amounts made available for fiscal year 2000*
5 *under section 301(b)(1)(A) of the Customs Procedural*
6 *Reform and Simplification Act of 1978 (19 U.S.C.*
7 *2075(b)(1)(A)), as amended by section 101(a) of this*
8 *Act, for the acquisition of equipment other than the*
9 *equipment described in subsection (a) if such other*
10 *equipment—*

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

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

16 (B) *is technologically equivalent to the*
17 *equipment described in subsection (a) and can be*
18 *obtained at a lower cost than the equipment de-*
19 *scribed in subsection (a).*

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

24 (A) *the amount specified in any of subpara-*
25 *graphs (A) through (R) of subsection (a)(1) for*

1 *equipment specified in any other of such sub-*
2 *paragraphs (A) through (R);*

3 *(B) the amount specified in any of subpara-*
4 *graphs (A) through (Q) of subsection (a)(2) for*
5 *equipment specified in any other of such sub-*
6 *paragraphs (A) through (Q); and*

7 *(C) the amount specified in any of subpara-*
8 *graphs (A) through (E) of subsection (a)(3) for*
9 *equipment specified in any other of such sub-*
10 *paragraphs (A) through (E).*

11 **SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE EN-**
12 **HANCEMENT FOR THE UNITED STATES-MEX-**
13 **ICO AND UNITED STATES-CANADA BORDERS,**
14 **FLORIDA AND GULF COAST SEAPORTS, AND**
15 **THE BAHAMAS.**

16 *(a) IN GENERAL.—Of the amounts made available for*
17 *fiscal years 2000 and 2001 under subparagraphs (A) and*
18 *(B) of section 301(b)(1) of the Customs Procedural Reform*
19 *and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)*
20 *and (B)), as amended by section 101(a) of this Act,*
21 *\$181,864,800 for fiscal year 2000 (including \$5,673,600*
22 *until expended for investigative equipment) and*
23 *\$230,983,340 for fiscal year 2001 shall be available for the*
24 *following:*

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

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

16 (3) *A net increase of 40 special agents and 10*
17 *intelligence analysts to facilitate the activities of the*
18 *additional inspectors authorized under paragraphs*
19 *(1) and (2).*

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

22 (5) *A net increase of 70 special agent positions,*
23 *23 intelligence analyst positions, 9 support staff posi-*
24 *tions, and the necessary equipment to enhance inves-*

1 *tigation efforts targeted at internal conspiracies at the*
2 *Nation's seaports.*

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

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

12 *(8) A net increase of 62 special agent positions*
13 *and 8 intelligence analyst positions for maritime*
14 *smuggling investigations and interdiction operations.*

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

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

20 *(b) RELOCATION OF PERSONNEL.—Notwithstanding*
21 *any other provision of this section, the Commissioner of*
22 *Customs may reduce the amount of additional personnel*
23 *provided for in any of paragraphs (1) through (9) of sub-*
24 *section (a) by not more than 25 percent, if the Commis-*
25 *sioner of Customs makes a corresponding increase in the*

1 *personnel provided for in one or more of such paragraphs*
2 *(1) through (9).*

3 *(c) NET INCREASE.—In this section, the term “net in-*
4 *crease” means an increase in the number of employees in*
5 *each position described in this section over the number of*
6 *employees in each such position that was provided for in*
7 *fiscal year 1999.*

8 **SEC. 104. AGENT ROTATIONS; ELIMINATION OF BACKLOG**
9 **OF BACKGROUND INVESTIGATIONS.**

10 *Of the amounts made available for fiscal years 2000*
11 *and 2001 under section 301(b)(1) (A) and (B) of the Cus-*
12 *toms Procedural Reform and Simplification Act of 1978*
13 *(19 U.S.C. 2075(b)(1) (A) and (B)), as amended by section*
14 *101(a) of this Act, \$16,000,000 for fiscal year 2000 (includ-*
15 *ing \$10,000,000 until expended) and \$6,000,000 for fiscal*
16 *year 2001 shall be available to—*

17 *(1) provide additional funding to clear the back-*
18 *log of existing background investigations and to pro-*
19 *vide for background investigations during extraor-*
20 *dinary recruitment activities of the agency; and*

21 *(2) provide for the interoffice transfer of up to*
22 *100 special agents, including costs related to reloca-*
23 *tions, between the Office of Investigations and Office*
24 *of Internal Affairs, at the discretion of the Commis-*
25 *sioner of Customs.*

1 **SEC. 105. AIR AND MARINE OPERATION AND MAINTENANCE**
2 **FUNDING.**

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

9 (1) \$96,500,000 for Customs Service aircraft res-
10 toration and replacement initiative.

11 (2) \$15,000,000 for increased air interdiction
12 and investigative support activities.

13 (3) \$19,013,000 for marine vessel replacement
14 and related equipment.

15 (b) *FISCAL YEAR 2001.*—Of the amounts made avail-
16 able for fiscal year 2001 under subparagraphs (A) and (B)
17 of section 301(b)(3) of the Customs Procedural Reform and
18 Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and
19 (B)) as amended by section 101(c) of this Act, \$75,524,000
20 shall be available until expended for the following:

21 (1) \$36,500,000 for Customs Service aircraft res-
22 toration and replacement.

23 (2) \$15,000,000 for increased air interdiction
24 and investigative support activities.

25 (3) \$24,024,000 for marine vessel replacement
26 and related equipment.

1 **SEC. 106. COMPLIANCE WITH PERFORMANCE PLAN RE-**
2 **QUIREMENTS.**

3 (a) *IN GENERAL.*—As part of the annual performance
4 plan for each of fiscal years 2000 and 2001, as required
5 under section 1115 of title 31, United States Code, the Com-
6 missioner of Customs shall evaluate the benefits of the ac-
7 tivities authorized to be carried out pursuant to sections
8 102 through 105 of this Act.

9 (b) *ENFORCEMENT PERFORMANCE MEASURES.*—The
10 Commissioner of Customs is authorized to contract for the
11 review and assessment of enforcement performance goals
12 and indicators required by section 1115 of title 31, United
13 States Code, with experts in the field of law enforcement,
14 from academia, and from the research community. Any
15 contract for review or assessment conducted pursuant to
16 this subsection shall provide for recommendations of addi-
17 tional measures that would improve the enforcement strat-
18 egy and activities of the Customs Service.

19 (c) *REPORT TO CONGRESS.*—The Commissioner of
20 Customs shall submit any assessment, review, or report pro-
21 vided for under this section to the Committee on Finance
22 of the Senate and the Committee on Ways and Means of
23 the House of Representatives.

24 **SEC. 107. TRANSFER OF AEROSTATS.**

25 (a) *IN GENERAL.*—The President shall submit a plan
26 for funding the acquisition and operation by the Customs

1 *Service of tethered aerostat radar systems currently oper-*
2 *ated by the Department of the Air Force and scheduled for*
3 *replacement in fiscal year 2001.*

4 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
5 *authorized to be appropriated such sums as may be nec-*
6 *essary to permit the operation and maintenance of the aero-*
7 *stat radar systems, after the systems are transferred to the*
8 *Customs Service.*

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

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

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

17 (2) *the impact of any limitations on the intel-*
18 *ligence and information gathering capabilities nec-*
19 *essary for adequate enforcement of the customs laws*
20 *of the United States and other laws enforced by the*
21 *Customs Service; and*

22 (3) *a report detailing the Commissioner’s rec-*
23 *ommendations for improving the agency’s capabili-*
24 *ties.*

1 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
2 **GRAM TO PREVENT CHILD PORNOGRAPHY**
3 **AND SEXUAL EXPLOITATION OF CHILDREN.**

4 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
5 *authorized to be appropriated to the Customs Service*
6 *\$10,000,000 for fiscal year 2000 to carry out the program*
7 *to prevent child pornography and sexual exploitation of*
8 *children established by the Child Cyber-Smuggling Center*
9 *of the Customs Service.*

10 (b) *USE OF AMOUNTS FOR CHILD PORNOGRAPHY*
11 *CYBER TIPLINE.*—*Of the amount appropriated under sub-*
12 *section (a), the Customs Service shall provide 3.75 percent*
13 *of such amount to the National Center for Missing and Ex-*
14 *ploited Children for the operation of the child pornography*
15 *cyber tipline of the Center and for increased public aware-*
16 *ness of the tipline.*

17 **TITLE II—CUSTOMS**
18 **MANAGEMENT**

19 **SEC. 201. TERM AND SALARY OF THE COMMISSIONER OF**
20 **CUSTOMS.**

21 (a) *TERM.*—

22 (1) *GENERAL REQUIREMENTS.*—*The first section*
23 *of the Act entitled “An Act to create a Bureau of Cus-*
24 *toms and a Bureau of Prohibition in the Department*
25 *of the Treasury”, approved March 3, 1927 (19 U.S.C.*
26 *2071) is amended—*

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

3 (B) in the second sentence—

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

6 (ii) by striking “and” at the end of
7 paragraph (2);

8 (iii) by striking the period at the end
9 of paragraph (3) and inserting “; and”;
10 and

11 (iv) by adding at the end the following
12 new paragraph:

13 “(4) *have demonstrated ability in manage-*
14 *ment.*”; and

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

16 “(b) *VACANCY.—Any individual appointed to fill a va-*
17 *cancy in the position of Commissioner occurring before the*
18 *expiration of the term for which the individual’s predecessor*
19 *was appointed shall be appointed only for the remainder*
20 *of that term.*

21 “(c) *REMOVAL.—The Commissioner may be removed*
22 *at the will of the President.*

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

1 (2) *CURRENT OFFICE HOLDER.*— *In the case of*
2 *an individual serving as the Commissioner of Cus-*
3 *tomhs on the date of enactment of this Act, who was*
4 *appointed to such position before such date, the 5-*
5 *year term required by the first section of the Act enti-*
6 *tled “An Act to create a Bureau of Customs and a*
7 *Bureau of Prohibition in the Department of the*
8 *Treasury”, as amended by this section, shall begin as*
9 *of the date of such appointment.*

10 (b) *SALARY.*—

11 (1) *IN GENERAL.*—

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

14 *“Commissioner of Customs, Department of the*
15 *Treasury.”.*

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

19 *“Commissioner of Customs, Department of the*
20 *Treasury.”.*

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

23 **SEC. 202. INTERNAL COMPLIANCE.**

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

1 (1) *establish, within the Office of Internal Af-*
2 *fairs, a program of internal compliance designed to*
3 *enhance the performance of the basic mission of the*
4 *Customs Service to ensure compliance with all appli-*
5 *cable laws and, in particular, with the implementa-*
6 *tion of title VI of the North American Free Trade*
7 *Agreement Implementation Act (commonly referred to*
8 *as the “Customs Modernization Act”);*

9 (2) *institute a program of ongoing self-assess-*
10 *ment and conduct a review on an annual basis of the*
11 *performance of all core functions of the Customs Serv-*
12 *ice;*

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

18 (4) *within 6 months of the date of enactment of*
19 *this Act, and annually thereafter, provide the Com-*
20 *mittee on Finance of the Senate and the Committee*
21 *on Ways and Means of the House of Representatives*
22 *with a report on the programs and reviews conducted*
23 *under this subsection.*

24 (b) *EVALUATION AND REPORT ON BEST PRACTICES.—*

25 *The Commissioner of Customs shall, as part of the develop-*

1 *ment of an improved system of internal compliance, initiate*
2 *a review of current best practices in internal compliance*
3 *programs among government agencies and private sector*
4 *organizations and, not later than 18 months after the date*
5 *of enactment of this Act, report on the results of the review*
6 *to the Committee on Governmental Affairs and the Com-*
7 *mittee on Finance of the Senate and the Committee on Gov-*
8 *ernment Reform and the Committee on Ways and Means*
9 *of the House of Representatives.*

10 *(c) REVIEW BY INSPECTOR GENERAL.—The Inspector*
11 *General of the Department of the Treasury shall review and*
12 *audit the implementation of the programs described in sub-*
13 *section (a) as part of the Inspector General’s report required*
14 *under the Inspector General Act of 1978 (5 U.S.C. App).*

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

16 *Not later than 6 months after the date of enactment*
17 *of this Act, the Commissioner of Customs shall submit to*
18 *the Committee on Governmental Affairs and the Committee*
19 *on Finance of the Senate and the Committee on Government*
20 *Reform and the Committee on Ways and Means of the*
21 *House of Representatives a report on the Commissioner’s*
22 *recommendations for modifying existing personnel rules to*
23 *permit more effective management of the resources of the*
24 *Customs Service and for improving the ability of the Cus-*
25 *toms Service to fulfill its mission. The report shall also in-*

1 *clude an analysis of why the flexibility provided under ex-*
2 *isting personnel rules is insufficient to meet the needs of*
3 *the Customs Service.*

4 **SEC. 204. REPORT ON IMPLEMENTATION OF PERSONNEL**
5 **ALLOCATION MODEL.**

6 *Not later than 6 months after the date of enactment*
7 *of this Act, the Commissioner of Customs shall report to*
8 *the Committee on Finance of the Senate and the Committee*
9 *on Ways and Means of the House of Representatives on the*
10 *implementation of the personnel allocation model under de-*
11 *velopment in the Customs Service.*

12 **SEC. 205. REPORT ON DETECTION AND MONITORING RE-**
13 **QUIREMENTS ALONG THE SOUTHERN TIER**
14 **AND NORTHERN BORDER.**

15 *Not later than 6 months after the date of enactment*
16 *of this Act, the Commissioner of Customs shall submit a*
17 *report to the Committee on Finance of the Senate and the*
18 *Committee on Ways and Means of the House of Representa-*
19 *tives regarding the requirements of the Customs Service for*
20 *counterdrug detection and monitoring of the arrival zones*
21 *along the southern tier and northern border of the United*
22 *States. The report shall include an assessment of—*

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

1 *each violation. The civil penalty imposed under this*
2 *subsection shall be in addition to any marking duties*
3 *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.”.