

107TH CONGRESS
1ST SESSION

H. R. 3129

To authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, 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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2001

Mr. CRANE introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, 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 “Customs Border Secu-
5 rity Act of 2001”.

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. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. 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. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

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

Sec. 132. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 133. Establishment and implementation of cost accounting system; reports.

Sec. 134. Requirement relating to timeliness of prospective rulings.

Sec. 135. Study and report relating to Customs user fees.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passengers.

Sec. 144. Border search authority for certain contraband in outbound mail.

Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.

**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.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Regulatory audit procedures.

**1 TITLE I—UNITED STATES
2 CUSTOMS SERVICE
3 **Subtitle A—Drug Enforcement and
4 Other Noncommercial and Com-
5 mercial 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) \$1,006,501,000 for fiscal year
16 2002.”; and

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

1 “(B) \$1,032,567,000 for fiscal year
2 2003.”.

3 (b) COMMERCIAL OPERATIONS.—

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

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

8 “(i) \$1,378,725,000 for fiscal year 2002.”;

9 and

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

11 “(ii) \$1,414,432,000 for fiscal year
12 2003.”.

13 (2) AUTOMATED COMMERCIAL ENVIRONMENT
14 COMPUTER SYSTEM.—Of the amount made available
15 for each of fiscal years 2002 and 2003 under section
16 301(b)(2)(A) of the Customs Procedural Reform and
17 Simplification Act of 1978 (19 U.S.C.
18 2075(b)(2)(A)), as amended by paragraph (1),
19 \$308,000,000 shall be available until expended for
20 each such fiscal year for the development, establish-
21 ment, and implementation of the Automated Com-
22 mercial Environment computer system.

23 (3) REPORTS.—Not later than 90 days after
24 the date of the enactment of this Act, and not later
25 than each subsequent 90-day period, the Commis-

1 sioner of Customs shall prepare and submit to the
2 Committee on Ways and Means of the House of
3 Representatives and the Committee on Finance of
4 the Senate a report demonstrating that the develop-
5 ment and establishment of the Automated Commer-
6 cial Environment computer system is being carried
7 out in a cost-effective manner and meets the mod-
8 ernization requirements of title VI of the North
9 American Free Trade Agreements Implementation
10 Act.

11 (c) AIR AND MARINE INTERDICTION.—Section
12 301(b)(3) of the Customs Procedural Reform and Sim-
13 plification Act of 1978 (19 U.S.C. 2075(b)(3)) is
14 amended—

15 (1) in subparagraph (A) to read as follows:
16 “(A) \$183,853,000 for fiscal year 2002.”;
17 and
18 (2) in subparagraph (B) to read as follows:
19 “(B) \$188,615,000 for fiscal year 2003.”.

20 (d) SUBMISSION OF OUT-YEAR BUDGET PROJE-
21 TIONS.—Section 301(a) of the Customs Procedural Re-
22 form and Simplification Act of 1978 (19 U.S.C. 2075(a))
23 is amended by adding at the end the following:

24 “(3) By not later than the date on which the Presi-
25 dent submits to Congress the budget of the United States

1 Government for a fiscal year, the Commissioner of Cus-
2 toms shall submit to the Committee on Ways and Means
3 of the House of Representatives and the Committee on
4 Finance of the Senate the projected amount of funds for
5 the succeeding fiscal year that will be necessary for the
6 operations of the Customs Service as provided for in sub-
7 section (b).".

8 **SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETEC-**

9 **TION EQUIPMENT FOR THE UNITED STATES-**
10 **MEXICO BORDER, UNITED STATES-CANADA**
11 **BORDER, AND FLORIDA AND THE GULF**
12 **COAST SEAPORTS.**

13 (a) **FISCAL YEAR 2002.**—Of the amounts made avail-
14 able for fiscal year 2002 under section 301(b)(1)(A) of
15 the Customs Procedural Reform and Simplification Act of
16 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
17 101(a) of this Act, \$90,244,000 shall be available until
18 expended for acquisition and other expenses associated
19 with implementation and deployment of antiterrorist and
20 illicit narcotics detection equipment along the United
21 States-Mexico border, the United States-Canada border,
22 and Florida and the Gulf Coast seaports, as follows:

23 (1) **UNITED STATES-MEXICO BORDER.**—For the
24 United States-Mexico border, the following:

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

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

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

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

10 (E) \$1,000,000 for 200 portable contra-
11 band detectors (busters) to be distributed
12 among ports where the current allocations are
13 inadequate.

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

17 (G) \$500,000 for 25 ultrasonic container
18 inspection units to be distributed among all
19 ports receiving liquid-filled cargo and to ports
20 with a hazardous material inspection facility

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

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

1 (J) \$480,000 for 20 portable Treasury En-
2 forcement Communications Systems (TECS)
3 terminals to be moved among ports as needed.

4 (K) \$1,000,000 for 20 remote watch sur-
5 veillance camera systems at ports where there
6 are suspicious activities at loading docks, vehi-
7 cle queues, secondary inspection lanes, or areas
8 where visual surveillance or observation is ob-
9 scured.

10 (L) \$1,254,000 for 57 weigh-in-motion
11 sensors to be distributed among the ports with
12 the greatest volume of outbound traffic.

13 (M) \$180,000 for 36 AM traffic informa-
14 tion radio stations, with 1 station to be located
15 at each border crossing.

16 (N) \$1,040,000 for 260 inbound vehicle
17 counters to be installed at every inbound vehicle
18 lane.

19 (O) \$950,000 for 38 spotter camera sys-
20 tems to counter the surveillance of customs in-
21 spection activities by persons outside the bound-
22 aries of ports where such surveillance activities
23 are occurring.

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

4 (Q) \$1,600,000 for 40 narcotics vapor and
5 particle detectors to be distributed to each bor-
6 der crossing.

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

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

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

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

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

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

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

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

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

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

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

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

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

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

22 (b) FISCAL YEAR 2003.—Of the amounts made avail-
23 able for fiscal year 2003 under section 301(b)(1)(B) of
24 the Customs Procedural Reform and Simplification Act of
25 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section

1 101(a) of this Act, \$9,000,000 shall be available until ex-
2 pended for the maintenance and support of the equipment
3 and training of personnel to maintain and support the
4 equipment described in subsection (a).

5 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
6 EQUIPMENT; TRANSFER OF FUNDS.—

7 (1) IN GENERAL.—The Commissioner of Cus-
8 toms may use amounts made available for fiscal year
9 2002 under section 301(b)(1)(A) of the Customs
10 Procedural Reform and Simplification Act of 1978
11 (19 U.S.C. 2075(b)(1)(A)), as amended by section
12 101(a) of this Act, for the acquisition of equipment
13 other than the equipment described in subsection (a)
14 if such other equipment—

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

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

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

22 (2) TRANSFER OF FUNDS.—Notwithstanding
23 any other provision of this section, the Commissioner
24 of Customs may reallocate an amount not to exceed
25 10 percent of—

13 SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN RE-
14 REQUIREMENTS.

15 As part of the annual performance plan for each of
16 the fiscal years 2002 and 2003 covering each program ac-
17 tivity set forth in the budget of the United States Customs
18 Service, as required under section 1115 of title 31, United
19 States Code, the Commissioner of Customs shall establish
20 performance goals, performance indicators, and comply
21 with all other requirements contained in paragraphs (1)
22 through (6) of subsection (a) of such section with respect
23 to each of the activities to be carried out pursuant to sec-
24 tions 111 and 112 of this Act.

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

3 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
4 **GRAM TO PREVENT CHILD PORNOGRAPHY/**
5 **CHILD SEXUAL EXPLOITATION.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Customs Service
8 \$10,000,000 for fiscal year 2002 to carry out the program
9 to prevent child pornography/child sexual exploitation es-
10 tablished by the Child Cyber-Smuggling Center of the
11 Customs Service.

12 (b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY
13 CYBER TIPLINE.—Of the amount appropriated under sub-
14 section (a), the Customs Service shall provide 3.75 percent
15 of such amount to the National Center for Missing and
16 Exploited Children for the operation of the child pornog-
17 raphy cyber tipline of the Center and for increased public
18 awareness of the tipline.

19 **Subtitle C—Personnel Provisions**
20 **CHAPTER 1—OVERTIME AND PREMIUM**
21 **PAY OF OFFICERS OF THE CUSTOMS**
22 **SERVICE**

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

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

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

6 “(A) the Commissioner of Customs or his
7 or her designee may waive this limitation in in-
8 dividual cases in order to prevent excessive
9 costs or to meet emergency requirements of the
10 Customs Service; and

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

1 SEC. 122. CORRECTION RELATING TO OVERTIME PAY.

2 Section 5(a)(1) of the Act of February 13, 1911 (19
3 U.S.C. 267(a)(1)), is amended by inserting after the first
4 sentence the following new sentences: “Overtime pay pro-
5 vided under this subsection shall not be paid to any cus-
6 toms officer unless such officer actually performed work
7 during the time corresponding to such overtime pay. The
8 preceding sentence shall not apply with respect to the pay-
9 ment of an award or settlement to a customs officer who
10 was unable to perform overtime work as a result of a per-
11 sonnel action in violation of section 5596 of title 5, United
12 States Code, section 6(d) of the Fair Labor Standards Act
13 of 1938, or title VII of the Civil Rights Act of 1964.”.

14 SEC. 123. CORRECTION RELATING TO PREMIUM PAY.

15 (a) IN GENERAL.—Section 5(b)(4) of the Act of Feb-
16 ruary 13, 1911 (19 U.S.C. 267(b)(4)), is amended by add-
17 ing after the first sentence the following new sentences:
18 “Premium pay provided under this subsection shall not
19 be paid to any customs officer unless such officer actually
20 performed work during the time corresponding to such
21 premium pay. The preceding sentence shall not apply with
22 respect to the payment of an award or settlement to a
23 customs officer who was unable to perform work during
24 the time described in the preceding sentence as a result
25 of a personnel action in violation of section 5596 of title
26 5, United States Code, section 6(d) of the Fair Labor

1 Standards Act of 1938, or title VII of the Civil Rights
2 Act of 1964.”.

3 (b) CORRECTIONS RELATING TO NIGHT WORK DIFFERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C.
4 267(b)(1)) is amended to read as follows:

5 “(1) NIGHT WORK DIFFERENTIAL.—

6 “(A) 5 P.M. TO MIDNIGHT.—(i) If any
7 hours of regularly scheduled work of a customs
8 officer occur during the hours of 5 p.m. and 12
9 a.m., the officer is entitled to pay for such
10 hours of work (except for work to which para-
11 graph (2) or (3) applies) at the officer’s hourly
12 rate of basic pay plus premium pay amounting
13 to 18 percent of that basic rate.

14 “(ii) If the regularly scheduled work of a
15 customs officer is 4 p.m. to 12:00 a.m., the offi-
16 cer is entitled to pay for work during such pe-
17 riod (except for work to which paragraph (2) or
18 (3) applies) at the officer’s hourly rate of basic
19 pay plus premium pay amounting to 18 percent
20 of that basic rate.

21 “(B) MIDNIGHT TO 6 A.M.—(i) If any
22 hours of regularly scheduled work of a customs
23 officer occur during the hours of 12 a.m. and
24 6 a.m., the officer is entitled to pay for such

1 hours of work (except for work to which para-
2 graph (2) or (3) applies) at the officer's hourly
3 rate of basic pay plus premium pay amounting
4 to 25 percent of that basic rate.

5 “(ii) If the regularly scheduled work of a
6 customs officer is 12 a.m. to 8:00 a.m., the offi-
7 cer is entitled to pay for work during such pe-
8 riod (except for work to which paragraph (2) or
9 (3) applies) at the officer's hourly rate of basic
10 pay plus premium pay amounting to 25 percent
11 of that basic rate.”.

12 **SEC. 124. EFFECTIVE DATE.**

13 This chapter, and the amendments made by this
14 chapter, shall apply with respect to pay periods beginning
15 on or after 15 days after the date of the enactment of
16 this Act.

17 **CHAPTER 2—MISCELLANEOUS
18 PROVISIONS**

19 **SEC. 131. STUDY AND REPORT RELATING TO PERSONNEL
20 PRACTICES OF THE CUSTOMS SERVICE.**

21 (a) STUDY.—The Commissioner of Customs shall
22 conduct a study of current personnel practices of the Cus-
23 toms Service, including an overview of performance stand-
24 ards and the effect and impact of the collective bargaining
25 process on drug interdiction efforts of the Customs Service

1 and a comparison of duty rotation policies of the Customs
2 Service and other Federal agencies that employ similarly-
3 situated personnel.

4 (b) REPORT.—Not later than 120 days after the date
5 of the enactment of this Act, the Commissioner of Cus-
6 toms shall submit to the Committee on Ways and Means
7 of the House of Representatives and the Committee on
8 Finance of the Senate a report containing the results of
9 the study conducted under subsection (a).

10 **SEC. 132. STUDY AND REPORT RELATING TO ACCOUNTING**
11 **AND AUDITING PROCEDURES OF THE CUS-**
12 **TOMS SERVICE.**

13 (a) STUDY.—(1) The Commissioner of Customs shall
14 conduct a study of actions by the Customs Service to en-
15 sure that appropriate training is being provided to Cus-
16 toms Service personnel who are responsible for financial
17 auditing of importers.

18 (2) In conducting the study, the Commissioner—
19 (A) shall specifically identify those actions
20 taken to comply with provisions of law that protect
21 the privacy and trade secrets of importers, such as
22 section 552(b) of title 5, United States Code, and
23 section 1905 of title 18, United States Code; and

4 (b) REPORT.—Not later than 6 months after the date
5 of the enactment of this Act, the Commissioner of Cus-
6 toms shall submit to the Committee on Ways and Means
7 of the House of Representatives and the Committee on
8 Finance of the Senate a report containing the results of
9 the study conducted under subsection (a).

10 SEC. 133. ESTABLISHMENT AND IMPLEMENTATION OF
11 COST ACCOUNTING SYSTEM; REPORTS.

12 (a) ESTABLISHMENT AND IMPLEMENTATION.—

1 the type of operation, the port at which the operation
2 took place, the amount of time spent on the operation by personnel of the Customs Service, and
3 an identification of expenses based on any other appropriate classification necessary to provide for an
4 accurate and complete accounting of the expenses.

7 (b) REPORTS.—Beginning on the date of the enactment
8 of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully
9 implemented, the Commissioner of Customs shall prepare
10 and submit to Congress on a quarterly basis a report on
11 the progress of implementing the cost accounting system
12 pursuant to subsection (a).

14 **SEC. 134. REQUIREMENT RELATING TO TIMELINESS OF
15 PROSPECTIVE RULINGS.**

16 (a) REQUIREMENT.—

17 (1) IN GENERAL.—Subject to paragraph (2), the Commissioner of Customs shall ensure that each prospective ruling of the Office of Regulations and Rulings of the Customs Service is issued not later than 90 days after the date on which a request for the ruling is received by the Customs Service.

23 (2) EXCEPTION.—The Commissioner may establish exceptions from the requirement of paragraph (1) for emergency circumstances.

1 (b) DEFINITION.—In this section, the term “prospec-
2 tive ruling” means a ruling that is requested by an im-
3 porter on goods that are proposed to be imported into the
4 United States and that relates to the proper classification,
5 valuation, or marking of such goods.

6 **SEC. 135. STUDY AND REPORT RELATING TO CUSTOMS**

7 **USER FEES.**

8 (a) STUDY.—The Comptroller General shall conduct
9 a study on the extent to which the amount of each customs
10 user fee imposed under section 13031(a) of the Consoli-
11 dated Omnibus Budget Reconciliation Act of 1985 (19
12 U.S.C. 58c(a)) is commensurate with the level of services
13 provided by the Customs Service relating to the fee so im-
14 posed.

15 (b) REPORT.—Not later than 120 days after the date
16 of the enactment of this Act, the Comptroller General shall
17 submit to the Committee on Ways and Means of the
18 House of Representatives and the Committee on Finance
19 of the Senate a report containing—

20 (1) the results of the study conducted under
21 subsection (a); and

22 (2) recommendations for the appropriate
23 amount of the customs user fees if such results indi-
24 cate that the fees are not commensurate with the
25 level of services provided by the Customs Service.

1 **Subtitle D—Antiterrorism**

2 **Provisions**

3 SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT

4 ACT IN GOOD FAITH.

5 (a) IMMUNITY.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

9 (2) by adding at the end the following:

10 "(b) Any officer or employee of the United States
11 conducting a search of a person pursuant to subsection
12 (a) shall not be held liable for any civil damages as a result
13 of such search if the officer or employee performed the
14 search in good faith.".

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on race.

1 **SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS**
2 **OF ENTRY, OR STAFFING OF THE CUSTOMS**
3 **SERVICE.**

4 Section 318 of the Tariff Act of 1930 (19 U.S.C.
5 1318) is amended—

6 (1) by striking “Whenever the President” and
7 inserting “(a) Whenever the President”; and

8 (2) by adding at the end the following:

9 “(b)(1) Notwithstanding any other provision of law,
10 the Secretary of the Treasury, when necessary to respond
11 to a national emergency declared under the National
12 Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific
13 threat to human life or national interests, is authorized
14 to eliminate, consolidate, or relocate any office or port of
15 entry of the Customs Service, modify hours of service,
16 alter services rendered at any location, reduce the number
17 of employees at any location, or take any other action that
18 may be necessary to respond to the national emergency
19 or specific threat.

20 “(2) Notwithstanding any other provision of law, the
21 Commissioner of Customs, when necessary to respond to
22 a specific threat to human life or national interests, is au-
23 thorized to close temporarily any Customs office or port
24 of entry or take any other lesser action that may be nec-
25 essary to respond to the specific threat.

1 “(3) The Secretary of the Treasury or the Commis-
2 sioner of Customs, as the case may be, shall notify the
3 Committee on Ways and Means of the House of Rep-
4 resentatives and the Committee on Finance of the Senate
5 not later than 72 hours after taking any action under
6 paragraph (1) or (2).”.

7 **SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMA-**
8 **TION FOR CARGO AND PASSENGERS.**

9 (a) CARGO INFORMATION.—

10 (1) IN GENERAL.—Section 431(b) of the Tariff
11 Act of 1930 (19 U.S.C. 1431(b)) is amended—
12 (A) in the first sentence, by striking “Any
13 manifest” and inserting “(1) Any manifest”;
14 and
15 (B) by adding at the end the following:

16 “(2)(A) In addition to any other requirement under
17 this section, for each land, air, or vessel carrier required
18 to make entry or obtain clearance under the customs laws
19 of the United States, the pilot, the master, operator, or
20 owner of such carrier (or the authorized agent of such op-
21 erator or owner) shall provide by electronic transmission
22 cargo manifest information described in subparagraph (B)
23 in advance of such entry or clearance in such manner,
24 time, and form as prescribed by the Secretary. The Sec-
25 retary may exclude any class of land, air, or vessel carrier

1 for which the Secretary concludes the requirements of this
2 subparagraph are not necessary.

3 “(B) The information described in this subparagraph
4 is the following:

5 “(i) The port of arrival or departure, whichever
6 is applicable.

7 “(ii) The carrier code or prefix code.

8 “(iii) The flight, voyage, or trip number.

9 “(iv) The date of scheduled arrival or date of
10 scheduled departure, whichever is applicable.

11 “(v) The request for permit to proceed to the
12 destination, if applicable.

13 “(vi) The numbers and quantities from the
14 master and house air waybill, bills of lading, or
15 ocean bills of lading.

16 “(vii) The first port of lading of the cargo.

17 “(viii) A description and weight of the cargo.

18 “(ix) The shippers name and address from all
19 air waybills or bills of lading.

20 “(x) The consignee name and address from all
21 air waybills or bills of lading.

22 “(xi) Notice that actual boarded quantities are
23 not equal to air waybill or bills of lading quantities.

24 “(xii) Transfer or transit information.

25 “(xiii) Warehouse or other location of the cargo.

1 “(xiv) Such additional information that the Sec-
2 retary by regulation determines is reasonably nec-
3 essary to ensure aviation, maritime, and surface
4 transportation safety pursuant to those laws en-
5 forced and administered by the Customs Service.”.

10 (b) PASSENGER INFORMATION.—Part II of title IV
11 of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is
12 amended by inserting after section 431 the following:

13 "SEC. 432. PASSENGER AND CREW MANIFEST INFORMA-
14 TION REQUIRED FOR LAND, AIR, OR VESSEL
15 CARRIERS.

16 "(a) IN GENERAL.—For every person arriving or de-
17 parting on a land, air, or vessel carrier required to make
18 entry or obtain clearance under the customs laws of the
19 United States, the pilot, the master, operator, or owner
20 of such carrier (or the authorized agent of such operator
21 or owner) shall provide by electronic transmission mani-
22 fest information described in subsection (b) in advance of
23 such entry or clearance in such manner, time, and form
24 as prescribed by the Secretary.

1 “(b) INFORMATION DESCRIBED.—The information
2 described in this subsection shall include for each person
3 described in subsection (a), the person’s—

4 “(1) full name;

5 “(2) date of birth and citizenship;

6 “(3) gender;

7 “(4) passport number and country of issuance;

8 “(5) United States visa number or resident
9 alien card number, as applicable;

10 “(6) passenger name record; and

11 “(7) such additional information that the Sec-
12 retary, by regulation, determines is reasonably nec-
13 essary to ensure aviation and maritime safety pursu-
14 ant to the laws enforced or administered by the Cus-
15 toms Service.”.

16 (c) DEFINITION.—Section 401 of the Tariff Act of
17 1930 (19 U.S.C. 1401) is amended by adding at the end
18 the following:

19 “(t) The term ‘land, air, or vessel carrier’ means a
20 land, air, or vessel carrier, as the case may be, that trans-
21 ports goods or passengers for payment or other consider-
22 ation, including money or services rendered.”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect beginning 45 days after the
25 date of the enactment of this Act.

1 **SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CON-**2 **TRABAND IN OUTBOUND MAIL.**3 The Tariff Act of 1930 is amended by inserting after
4 section 582 the following:5 **“SEC. 583. EXAMINATION OF OUTBOUND MAIL.**6 **“(a) EXAMINATION.—**7 **“(1) IN GENERAL.—**For purposes of ensuring
8 compliance with the Customs laws of the United
9 States and other laws enforced by the Customs Serv-
10 ice, including the provisions of law described in
11 paragraph (2), a Customs officer may, subject to the
12 provisions of this section, stop and search at the
13 border, without a search warrant, mail of domestic
14 origin transmitted for export by the United States
15 Postal Service.16 **“(2) PROVISIONS OF LAW DESCRIBED.—**The
17 provisions of law described in this paragraph are the
18 following:19 **“(A) Section 5316 of title 31, United**
20 **States Code (relating to reports on exporting**
21 **and importing monetary instruments).**22 **“(B) Sections 1461, 1463, 1465, and 1466**
23 **and chapter 110 of title 18, United States Code**
24 **(relating to obscenity and child pornography).**25 **“(C) Section 1003 of the Controlled Sub-**
26 **stances Import and Export Act (21 U.S.C. 953;**

1 relating to exportation of controlled sub-
2 stances).

3 “(D) The Export Administration Act of
4 1979 (50 U.S.C. app. 2401 et seq.).

5 “(E) Section 38 of the Arms Export Con-
6 trol Act (22 U.S.C. 2778).

7 “(F) The International Emergency Eco-
8 nomic Powers Act (50 U.S.C. 1701 et seq.).

9 “(b) **SEARCH OF MAIL NOT SEALED AGAINST IN-**
10 **SPECTION AND OTHER MAIL.**—Mail not sealed against in-
11 spection under the postal laws and regulations of the
12 United States, mail which bears a customs declaration,
13 and mail with respect to which the sender or addressee
14 has consented in writing to search, may be searched by
15 a Customs officer.

16 “(c) **SEARCH OF MAIL SEALED AGAINST INSPEC-**
17 **TION.**—(1) Mail sealed against inspection under the postal
18 laws and regulations of the United States may be searched
19 by a Customs officer, subject to paragraphs (2) and (3),
20 upon reasonable cause to suspect that such mail contains
21 one or more of the following:

22 “(A) Monetary instruments, as defined in sec-
23 tion 1956 of title 18, United States Code.

24 “(B) A weapon of mass destruction, as defined
25 in section 2332a(b) of title 18, United States Code.

1 “(C) A drug or other substance listed in schedule
2 I, II, III, or IV in section 202 of the Controlled
3 Substances Act (21 U.S.C. 812).

4 “(D) National defense and related information
5 transmitted in violation of any of sections 793
6 through 798 of title 18, United States Code.

7 “(E) Merchandise mailed in violation of section
8 1715 or 1716 of title 18, United States Code.

9 “(F) Merchandise mailed in violation of any
10 provision of chapter 71 (relating to obscenity) or
11 chapter 110 (relating to sexual exploitation and
12 other abuse of children) of title 18, United States
13 Code.

14 “(G) Merchandise mailed in violation of the Export
15 Administration Act of 1979 (50 U.S.C. app.
16 2401 et seq.).

17 “(H) Merchandise mailed in violation of section
18 38 of the Arms Export Control Act (22 U.S.C.
19 2778).

20 “(I) Merchandise mailed in violation of the
21 International Emergency Economic Powers Act (50
22 U.S.C. 1701 et seq.).

23 “(J) Merchandise mailed in violation of the
24 Trading with the Enemy Act (50 U.S.C. app. 1 et
25 seq.).

1 “(2) No person acting under authority of paragraph
2 (1) shall read, or authorize any other person to read, any
3 correspondence contained in mail sealed against inspection
4 unless prior to so reading—

5 “(A) a search warrant has been issued pursuant
6 to Rule 41, Federal Rules of Criminal Procedure; or

7 “(B) the sender or addressee has given written
8 authorization for such reading.

9 “(3) The Secretary of the Treasury shall enter into
10 a written agreement with the United States Postal Service
11 which shall provide for procedures for the search of mail
12 sealed against inspection pursuant to paragraph (1). Such
13 agreement shall provide, among other matters, for the
14 presence of employees of each agency, including a Customs
15 officer, at any search of such mail, at the locations at
16 which mail will be searched, and for avoiding any undue
17 delay in the movement of such mail.”.

18 SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REES-
19 TABLISHMENT OF CUSTOMS OPERATIONS IN
20 NEW YORK CITY.

21 (a) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated for the reestablishment of operations of
24 the Customs Service in New York, New York, such
25 sums as may be necessary for fiscal year 2002.

12 (i) trade specialists who determine the
13 origin and value of merchandise;

14 (ii) analysts who monitor the entry
15 data into the United States of textiles and
16 textile products; and

20 (b) AVAILABILITY.—Amounts appropriated pursuant
21 to the authorization of appropriations under subsection (a)
22 are authorized to remain available until expended.

1 Subtitle E—Textile Transshipment

2 Provisions

3 SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONI-
4 TORING BY CUSTOMS SERVICE.

5 (a) GAO AUDIT.—The Comptroller General of the
6 United States shall conduct an audit of the system estab-
7 lished and carried out by the Customs Service to monitor
8 textile transshipment.

9 (b) REPORT.—Not later than 9 months after the date
10 of enactment of this Act, the Comptroller General shall
11 submit to the Committee on Ways and Means of the
12 House of Representatives and Committee on Finance of
13 the Senate a report that contains the results of the study
14 conducted under subsection (a), including recommenda-
15 tions for improvements to the transshipment monitoring
16 system if applicable.

17 (c) TRANSSHIPMENT DESCRIBED.—Transshipment
18 within the meaning of this section has occurred when pref-
19 erential treatment under any provision of law has been
20 claimed for a textile or apparel article on the basis of ma-
21 terial false information concerning the country of origin,
22 manufacture, processing, or assembly of the article or any
23 of its components. For purposes of the preceding sentence,
24 false information is material if disclosure of the true infor-
25 mation would mean or would have meant that the article

1 is or was ineligible for preferential treatment under the
2 provision of law in question.

3 **SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEX-**
4 **TILE TRANSSHIPMENT ENFORCEMENT OPER-**
5 **ATIONS.**

6 (a) **AUTHORIZATION OF APPROPRIATIONS.—**

7 (1) **IN GENERAL.**—There is authorized to be
8 appropriated for textile transshipment enforcement
9 operations of the Customs Service \$9,500,000 for
10 fiscal year 2002.

11 (2) **AVAILABILITY.**—Amounts appropriated pur-
12 suant to the authorization of appropriations under
13 paragraph (1) are authorized to remain available
14 until expended.

15 (b) **USE OF FUNDS.**—Of the amount appropriated
16 pursuant to the authorization of appropriations under sub-
17 section (a), the following amounts are authorized to be
18 made available for the following purposes:

19 (1) **IMPORT SPECIALISTS.**—\$1,463,000 for 21
20 Customs import specialists to be assigned to selected
21 ports for documentation review to support detentions
22 and exclusions and 1 additional Customs import spe-
23 cialist assigned to the Customs headquarters textile
24 program to administer the program and provide
25 oversight.

14 (4) INTERNATIONAL TRADE SPECIALISTS.—
15 \$226,500 for 3 international trade specialists to be
16 assigned to Customs headquarters to be dedicated to
17 illegal textile transshipment policy issues and other
18 free trade agreement enforcement issues.

1 (6) VARIOUS PERMANENT TRADE POSITIONS.—

2 \$3,500,000 for the following:

12 (C) 4 permanent positions to be assigned
13 to the Customs attaché office in Mexico to ad-
14 dress the threat of illegal textile transshipment
15 through Mexico and other related issues under
16 the North American Free Trade Agreement
17 Act.

18 (D) 2 permanent positions to be assigned
19 to the Customs attaché office in Seoul, South
20 Korea, to address the trade issues in the geo-
21 graphic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal tex-

1 tile transshipment and other trade enforcement
2 issues.

3 (F) 2 permanent positions to be assigned
4 to the Customs attaché office in Rome, Italy, to
5 address trade enforcement issues in the geo-
6 graphic region, including issues under free
7 trade agreements with Jordan and Israel.

8 (7) ATTORNEYS.—\$179,886 for 2 attorneys for
9 the Office of the Chief Counsel of the Customs Serv-
10 ice to pursue cases regarding illegal textile trans-
11 shipment.

12 (8) AUDITORS.—\$510,000 for 6 Customs audi-
13 tors to perform internal control reviews and docu-
14 ment and record reviews of suspect importers.

15 (9) ADDITIONAL TRAVEL FUNDS.—\$250,000
16 for deployment of additional textile production
17 verification teams to sub-Saharan Africa.

18 (10) TRAINING.—(A) \$75,000 for training of
19 Customs personnel.

20 (B) \$200,000 for training for foreign counter-
21 parts in risk management analytical techniques and
22 for teaching factory inspection techniques, model law
23 Development, and enforcement techniques.

24 (11) OUTREACH.—\$60,000 for outreach efforts
25 to United States importers.

1 **TITLE II—OFFICE OF THE**
2 **UNITED STATES TRADE REP-**
3 **RESENTATIVE**

4 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

7 (1) in subparagraph (A)—

8 (A) in the matter preceding clause (i), by
9 striking “not to exceed”;

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

11 “(i) \$30,000,000 for fiscal year 2002.”; and

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

13 “(ii) \$31,000,000 for fiscal year 2003.”; and

14 (2) in subparagraph (B)—

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

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

18 (C) by redesignating clause (iii) as clause
19 (ii).

20 (b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19
21 U.S.C. 2171(g)) is amended by adding at the end the following:

24 “(3) By not later than the date on which the President submits to Congress the budget of the United States

1 Government for a fiscal year, the United States Trade
2 Representative shall submit to the Committee on Ways
3 and Means of the House of Representatives and the Com-
4 mittee on Finance of the Senate the projected amount of
5 funds for the succeeding fiscal year that will be necessary
6 for the Office to carry out its functions.”.

7 (c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT
8 U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AF-
9 FAIRS.—

10 (1) IN GENERAL.—There is authorized to be
11 appropriated such sums as may be necessary for fis-
12 cal year 2002 for the salaries and expenses of two
13 additional legislative specialist employee positions
14 within the Office of the Assistant United States
15 Trade Representative for Congressional Affairs.

16 (2) AVAILABILITY.—Amounts appropriated pur-
17 suant to the authorization of appropriations under
18 paragraph (1) are authorized to remain available
19 until expended.

20 **TITLE III—UNITED STATES
21 INTERNATIONAL TRADE COM-
22 MISSION**

23 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

4 “(ii) \$53,400,000 for fiscal year 2003.”.

5 (b) SUBMISSION OF OUT-YEAR BUDGET PROJECT

6 TIONS.—Section 330(e) of the Tariff Act of 1930 (19

7 U.S.C. 1330(e)(2)) is amended by adding at the end the

8 following:

9 “(4) By not later than the date on which the Presi-

10 dent submits to Congress the budget of the United States

1 Government for a fiscal year, the Commission shall submit

2 to the Committee on Ways and Means of the House of

3 Representatives and the Committee on Finance of the

4 Senate the projected amount of funds for the succeeding

5 fiscal year that will be necessary for the Commission to

6 carry out its functions.”.

17 **TITLE IV—OTHER TRADE**
18 **PROVISIONS**

19 SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES

EXEMPT FROM DUTY ACQUIRED ABROAD BY

UNITED STATES RESIDENTS.

22 (a) IN GENERAL.—Subheading 9804.00.65 of the

23 Harmonized Tariff Schedule of the United States is

24 amended in the article description column by striking

25 “\$400” and inserting “\$800”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect 90 days after the date of
3 the enactment of this Act.

4 **SEC. 402. REGULATORY AUDIT PROCEDURES.**

5 Section 509(b) of the Tariff Act of 1930 (19 U.S.C.
6 1509(b)) is amended by adding at the end the following:

7 “(6)(A) In any audit conducted under this sec-
8 tion, the Secretary shall adjust any loss of revenue
9 determined to be due under section 592(d) and any
10 under-declarations of quantities and values attrib-
11 utable to finally liquidated entries by the amount of
12 any duty overpayments and any over-declarations of
13 quantities and values attributable to finally liq-
14 uidated entries if such overpayments or over-declara-
15 tions were not made by the person being audited
16 with the intent of violating any provision of law.

17 “(B) The Secretary shall prescribe regulations
18 with respect to the use of the calculations described
19 in subparagraph (A) for any proceeding relating to
20 the collection of revenue or the calculation of pen-
21 alties involving liquidated entries under section 592.

22 “(C) Nothing in this paragraph shall be con-
23 strued to authorize a refund not otherwise author-
24 ized under section 520.”.

