

108TH CONGRESS
1ST SESSION

H. R. 1096

To authorize appropriations for border and transportation security personnel and technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. KOLBE (for himself, Mr. STUPAK, Mr. FRANKS of Arizona, Mr. RENZI, Mr. PEARCE, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for border and transportation security personnel and technology, 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 “Border Infrastructure
5 and Technology Modernization Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COMMISSIONER.—The term “Commis-
2 sioner” means the Commissioner of the Bureau of
3 Customs and Border Protection of the Department
4 of Homeland Security.

5 (2) MAQUILADORA.—The term “maquiladora”
6 means an entity located in Mexico that assembles
7 and produces goods from imported parts for export
8 to the United States.

9 (3) NORTHERN BORDER.—The term “northern
10 border” means the international border between the
11 United States and Canada.

12 (4) SOUTHERN BORDER.—The term “southern
13 border” means the international border between the
14 United States and Mexico.

15 (5) UNDER SECRETARY.—The term “Under
16 Secretary” means the Under Secretary for Border
17 and Transportation Security of the Department of
18 Homeland Security.

19 **SEC. 3. HIRING AND TRAINING OF BORDER AND TRANS-**
20 **PORTATION SECURITY PERSONNEL.**

21 (a) INSPECTORS AND AGENTS.—

22 (1) INCREASE IN INSPECTORS AND AGENTS.—
23 During each of fiscal years 2004 through 2008, the
24 Under Secretary shall—

1 (A) increase the number of full-time agents
2 and associated support staff in the Bureau of
3 Immigration and Customs Enforcement of the
4 Department of Homeland Security by the equiv-
5 alent of at least 100 more than the number of
6 such employees in the Bureau as of the end of
7 the preceding fiscal year; and

8 (B) increase the number of full-time in-
9 spectors and associated support staff in the Bu-
10 reau of Customs and Border Protection by the
11 equivalent of at least 200 more than the num-
12 ber of such employees in the Bureau as of the
13 end of the preceding fiscal year.

14 (2) WAIVER OF FTE LIMITATION.—The Under
15 Secretary is authorized to waive any limitation on
16 the number of full-time equivalent personnel as-
17 signed to the Department of Homeland Security to
18 fulfill the requirements of paragraph (1).

19 (b) TRAINING.—The Under Secretary shall provide
20 appropriate training for agents, inspectors, and associated
21 support staff on an ongoing basis to utilize new tech-
22 nologies and to ensure that the proficiency levels of such
23 personnel are acceptable to protect the borders of the
24 United States.

1 **SEC. 4. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT**

2 **STUDY.**

3 (a) REQUIREMENT TO UPDATE.—Not later than
4 January 31 of each year, the Administrator of General
5 Services shall update the Port of Entry Infrastructure As-
6 sessment Study prepared by the United States Customs
7 Service, the Immigration and Naturalization Service, and
8 the General Services Administration in accordance with
9 the matter relating to the ports of entry infrastructure as-
10 sessment that is set out in the joint explanatory statement
11 in the conference report accompanying H.R. 2490 of the
12 106th Congress, 1st session (House of Representatives
13 Rep. No. 106–319, on page 67) and submit such updated
14 study to Congress.

15 (b) CONSULTATION.—In preparing the updated stud-
16 ies required in subsection (a), the Administrator of Gen-
17 eral Services shall consult with the Director of the Office
18 of Management and Budget, the Under Secretary, and the
19 Commissioner.

20 (c) CONTENT.—Each updated study required in sub-
21 section (a) shall—

22 (1) identify port of entry infrastructure and
23 technology improvement projects that would enhance
24 border security and facilitate the flow of legitimate
25 commerce if implemented;

1 (2) include the projects identified in the Na-
2 tional Land Border Security Plan required by sec-
3 tion 5; and

4 (3) prioritize the projects described in para-
5 graphs (1) and (2) based on the ability of a project
6 to—

7 (A) fulfill immediate security requirements;

8 and

9 (B) facilitate trade across the borders of
10 the United States.

11 (d) PROJECT IMPLEMENTATION.—The Commissioner
12 shall implement the infrastructure and technology im-
13 provement projects described in subsection (c) in the order
14 of priority assigned to each project under paragraph (3)
15 of such subsection.

16 (e) DIVERGENCE FROM PRIORITIES.—The Commis-
17 sioner may diverge from the priority order if the Commis-
18 sioner determines that significantly changed cir-
19 cumstances, such as immediate security needs or changes
20 in infrastructure in Mexico or Canada, compellingly alter
21 the need for a project in the United States.

22 **SEC. 5. NATIONAL LAND BORDER SECURITY PLAN.**

23 (a) REQUIREMENT FOR PLAN.—Not later than Janu-
24 ary 31 of each year, the Under Secretary shall prepare

1 a National Land Border Security Plan and submit such
2 plan to Congress.

3 (b) CONSULTATION.—In preparing the plan required
4 in subsection (a), the Under Secretary shall consult with
5 the Under Secretary for Information Analysis and Infra-
6 structure Protection and the Federal, State, and local law
7 enforcement agencies and private entities that are involved
8 in international trade across the northern border or the
9 southern border.

10 (c) VULNERABILITY ASSESSMENT.—

11 (1) IN GENERAL.—The plan required in sub-
12 section (a) shall include a vulnerability assessment
13 of each port of entry located on the northern border
14 or the southern border.

15 (2) PORT SECURITY COORDINATORS.—The
16 Under Secretary may establish 1 or more port secu-
17 rity coordinators at each port of entry located on the
18 northern border or the southern border—

19 (A) to assist in conducting a vulnerability
20 assessment at such port; and

21 (B) to provide other assistance with the
22 preparation of the plan required in subsection
23 (a).

1 **SEC. 6. EXPANSION OF COMMERCE SECURITY PROGRAMS.**

2 (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
3 RORISM.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Commis-
6 sioner, in consultation with the Under Secretary,
7 shall develop a plan to expand the size and scope
8 (including personnel needs) of the Customs-Trade
9 Partnership Against Terrorism programs along the
10 northern border and southern border, including—

11 (A) the Business Anti-Smuggling Coali-
12 tion;

13 (B) the Carrier Initiative Program;

14 (C) the Americas Counter Smuggling Ini-
15 tiative;

16 (D) the Container Security Initiative;

17 (E) the Free and Secure Trade Initiative;

18 and

19 (F) other Industry Partnership Programs
20 administered by the Commissioner.

21 (2) SOUTHERN BORDER DEMONSTRATION PRO-
22 GRAM.—Not later than 180 days after the date of
23 enactment of this Act, the Commissioner shall estab-
24 lish a demonstration program along the southern
25 border for the purpose of implementing at least one
26 Customs-Trade Partnership Against Terrorism pro-

1 gram along that border. The Customs-Trade Part-
2 nership Against Terrorism program selected for the
3 demonstration program shall have been successfully
4 implemented along the northern border as of the
5 date of enactment of this Act.

6 (b) MAQUILADORA DEMONSTRATION PROGRAM.—
7 Not later than 180 days after the date of enactment of
8 this Act, the Commissioner shall establish a demonstration
9 program to develop a cooperative trade security system to
10 improve supply chain security.

11 **SEC. 7. PORT OF ENTRY TECHNOLOGY DEMONSTRATION**
12 **PROGRAM.**

13 (a) ESTABLISHMENT.—The Under Secretary shall
14 carry out a technology demonstration program to test and
15 evaluate new port of entry technologies, refine port of
16 entry technologies and operational concepts, and train per-
17 sonnel under realistic conditions.

18 (b) TECHNOLOGY AND FACILITIES.—

19 (1) TECHNOLOGY TESTED.—Under the dem-
20 onstration program, the Under Secretary shall test
21 technologies that enhance port of entry operations,
22 including those related to inspections, communica-
23 tions, port tracking, identification of persons and
24 cargo, sensory devices, personal detection, decision

1 support, and the detection and identification of
2 weapons of mass destruction.

3 (2) FACILITIES DEVELOPED.—At a demonstra-
4 tion site selected pursuant to subsection (c)(2), the
5 Under Secretary shall develop facilities to provide
6 appropriate training to law enforcement personnel
7 who have responsibility for border security, including
8 cross-training among agencies, advanced law en-
9 forcement training, and equipment orientation.

10 (c) DEMONSTRATION SITES.—

11 (1) NUMBER.—The Under Secretary shall carry
12 out the demonstration program at not less than 3
13 sites and not more than 5 sites.

14 (2) SELECTION CRITERIA.—To ensure that at
15 least 1 of the facilities selected as a port of entry
16 demonstration site for the demonstration program
17 has the most up-to-date design, contains sufficient
18 space to conduct the demonstration program, has a
19 traffic volume low enough to easily incorporate new
20 technologies without interrupting normal processing
21 activity, and can efficiently carry out demonstration
22 and port of entry operations, at least 1 port of entry
23 selected as a demonstration site shall—

1 (A) have been established not more than
2 15 years before the date of enactment of this
3 Act;

4 (B) consist of not less than 65 acres, with
5 the possibility of expansion onto not less than
6 25 adjacent acres; and

7 (C) have serviced an average of not more
8 than 50,000 vehicles per month in the 12 full
9 months preceding the date of enactment of this
10 Act.

11 (d) RELATIONSHIP WITH OTHER AGENCIES.—The
12 Under Secretary shall permit personnel from an appro-
13 priate Federal or State agency to utilize a demonstration
14 site described in subsection (c) to test technologies that
15 enhance port of entry operations, including those related
16 to inspections, communications, port tracking, identifica-
17 tion of persons and cargo, sensory devices, personal detec-
18 tion, decision support, and the detection and identification
19 of weapons of mass destruction.

20 (e) REPORT.—

21 (1) REQUIREMENT.—Not later than 1 year
22 after the date of enactment of this Act, and annually
23 thereafter, the Under Secretary shall submit to Con-
24 gress a report on the activities carried out at each

1 demonstration site under the technology demonstra-
2 tion program established under this section.

3 (2) CONTENT.—The report shall include an as-
4 sessment by the Under Secretary of the feasibility of
5 incorporating any demonstrated technology for use
6 throughout the Bureau of Customs and Border Pro-
7 tection.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—In addition to any funds other-
10 wise available, there are authorized to be appropriated—

11 (1) to carry out the provisions of section 3,
12 such sums as may be necessary for the fiscal years
13 2004 through 2008;

14 (2) to carry out the provisions of section 4—

15 (A) to carry out subsection (a) of such sec-
16 tion, such sums as may be necessary for the fis-
17 cal years 2004 through 2008; and

18 (B) to carry out subsection (d) of such sec-
19 tion—

20 (i) \$100,000,000 for each of the fiscal
21 years 2004 through 2008; and

22 (ii) such sums as may be necessary in
23 any succeeding fiscal year;

24 (3) to carry out the provisions of section 6—

1 (A) to carry out subsection (a) of such sec-
2 tion—

3 (i) \$30,000,000 for fiscal year 2004,
4 of which \$5,000,000 shall be made avail-
5 able to fund the demonstration project es-
6 tablished in paragraph (2) of such sub-
7 section; and

8 (ii) such sums as may be necessary
9 for the fiscal years 2005 through 2008;
10 and

11 (B) to carry out subsection (b) of such sec-
12 tion—

13 (i) \$5,000,000 for fiscal year 2004;
14 and

15 (ii) such sums as may be necessary
16 for the fiscal years 2005 through 2008;
17 and

18 (4) to carry out the provisions of section 7, pro-
19 vided that not more than \$10,000,000 may be ex-
20 pended for technology demonstration program activi-
21 ties at any 1 port of entry demonstration site in any
22 fiscal year—

23 (A) \$50,000,000 for fiscal year 2004; and

24 (B) such sums as may be necessary for
25 each of the fiscal years 2005 through 2008.

1 (b) INTERNATIONAL AGREEMENTS.—Funds author-
2 ized in this Act may be used for the implementation of
3 projects described in the Declaration on Embracing Tech-
4 nology and Cooperation to Promote the Secure and Effi-
5 cient Flow of People and Commerce across our Shared
6 Border between the United States and Mexico, agreed to
7 March 22, 2002, Monterrey, Mexico (commonly known as
8 the Border Partnership Action Plan) or the Smart Border
9 Declaration between the United States and Canada,
10 agreed to December 12, 2001, Ottawa, Canada that are
11 consistent with the provisions of this Act.

○