

108TH CONGRESS
2D SESSION

H. R. 4418

To authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, 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

MAY 20, 2004

Mr. CRANE (for himself, Mr. RANGEL, Mr. SHAW, Mr. LEVIN, and Mr. RAMSTAD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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 fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Customs Border Security Act of 2004”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—BUREAU OF CUSTOMS AND BORDER PROTECTION AND
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT**

Subtitle A—Authorization of Appropriations; Related Provisions

Sec. 101. Authorization of appropriations.

Sec. 102. Establishment and implementation of cost accounting system; re-
ports.

Sec. 103. Study and report relating to customs user fees.

Subtitle B—Technical amendments relating to entry and protest

Sec. 111. Entry of merchandise.

Sec. 112. Limitation on liquidations.

Sec. 113. Protests.

Sec. 114. Review of protests.

Sec. 115. Refunds and errors.

Sec. 116. Definitions and miscellaneous provisions.

Sec. 117. Voluntary reliquidations.

Sec. 118. Effective date.

Subtitle C—Miscellaneous Provisions

Sec. 121. Designation of San Antonio International Airport for Customs pro-
cessing of certain private aircraft arriving in the United States.

Sec. 122. Authority for the establishment of Integrated Border Inspection
Areas at the United States-Canada border.

Sec. 123. Designation of foreign law enforcement officers.

Sec. 124. Customs services.

Sec. 125. Sense of Congress on interpretation of textile and apparel provisions.

Sec. 126. Technical amendments.

**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—BUREAU OF CUSTOMS**
2 **AND BORDER PROTECTION**
3 **AND BUREAU OF IMMIGRA-**
4 **TION AND CUSTOMS EN-**
5 **FORCEMENT**

6 **Subtitle A—Authorization of**
7 **Appropriations; Related Provisions**

8 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—Subsection (a) of section 301 of
10 the Customs Procedural Reform and Simplification Act of
11 1978 (19 U.S.C. 2075) is amended—

12 (1) in paragraph (1), to read as follows:

13 “(1) For the fiscal year beginning October 1,
14 2004, and each fiscal year thereafter, there are au-
15 thorized to be appropriated to the Department of
16 Homeland Security for the Bureau of Customs and
17 Border Protection and the Bureau of Immigration
18 and Customs Enforcement only such sums as may
19 hereafter be authorized by law.”;

20 (2) by striking paragraph (2);

21 (3) by redesignating paragraph (3) as para-
22 graph (2); and

23 (4) in paragraph (2) (as redesignated)—

24 (A) by inserting “and the Assistant Sec-
25 retary for United States Immigration and Cus-

1 toms Enforcement, respectively,” after “Com-
2 missioner of Customs”; and

3 (B) by striking “Customs Service” and in-
4 serting “Bureau of Customs and Border Pro-
5 tection and the Bureau of Immigration and
6 Customs Enforcement”.

7 (b) SALARIES AND EXPENSES.—Subsection (b) of
8 such section is amended to read as follows:

9 “(b) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) BUREAU OF CUSTOMS AND BORDER PRO-
11 TECTION.—

12 “(A) There are authorized to be appro-
13 priated for the salaries and expenses of the Bu-
14 reau of Customs and Border Protection not to
15 exceed the following:

16 “(i) \$6,199,000,000 for fiscal year
17 2005.

18 “(ii) \$6,465,557,000 for fiscal year
19 2006.

20 “(B)(i) The monies authorized to be ap-
21 propriated under subparagraph (A) with respect
22 to customs revenue functions for any fiscal
23 year, except for such sums as may be necessary
24 for the salaries and expenses of the Bureau of
25 Customs and Border Protection that are in-

1 curred in connection with the processing of
2 merchandise that is exempt from the fees im-
3 posed under paragraphs (9) and (10) of section
4 13031(a) of the Consolidated Omnibus Budget
5 Reconciliation Act of 1985 (19 U.S.C. 58c(a)),
6 shall be appropriated from the Customs User
7 Fee Account.

8 “(ii) In clause (i), the term ‘customs rev-
9 enue function’ means the following:

10 “(I) Assessing and collecting customs
11 duties (including antidumping and counter-
12 vailing duties and duties imposed under
13 safeguard provisions), excise taxes, fees,
14 and penalties due on imported merchan-
15 dise, including classifying and valuing mer-
16 chandise for the purposes of such assess-
17 ment.

18 “(II) Processing and denial of entry
19 of persons, baggage, cargo, and mail, with
20 respect to the assessment and collection of
21 import duties.

22 “(III) Detecting and apprehending
23 persons engaged in fraudulent practices
24 designed to circumvent the customs laws of
25 the United States.

1 “(IV) Enforcing section 337 of the
2 Tariff Act of 1930 and provisions relating
3 to import quotas and the marking of im-
4 ported merchandise, and providing Cus-
5 toms Recordations for copyrights, patents,
6 and trademarks.

7 “(V) Collecting accurate import data
8 for compilation of international trade sta-
9 tistics.

10 “(VI) Enforcing reciprocal trade
11 agreements.

12 “(VII) Functions performed by the
13 following personnel, and associated support
14 staff, of the United States Customs Service
15 prior to the establishment of the Bureau of
16 Customs and Border Protection: Import
17 Specialists, Entry Specialists, Drawback
18 Specialists, National Import Specialists,
19 Fines and Penalties Specialists, attorneys
20 of the Office of Regulations and Rulings,
21 Customs Auditors, International Trade
22 Specialists, and Financial System Special-
23 ists.

24 “(VIII) Functions performed by the
25 following offices, with respect to any func-

1 tion described in any of subclauses (I)
2 through (VII), and associated support
3 staff, of the United States Customs Service
4 prior to the establishment of the Bureau of
5 Customs and Border Protection: the Office
6 of Information and Technology, the Office
7 of Laboratory Services, the Office of the
8 Chief Counsel, the Office of Congressional
9 Affairs, the Office of International Affairs,
10 and the Office of Training and Develop-
11 ment.

12 “(2) BUREAU OF IMMIGRATION AND CUSTOMS
13 ENFORCEMENT.—There are authorized to be appro-
14 priated for the salaries and expenses of the Bureau
15 of Immigration and Customs Enforcement not to ex-
16 ceed the following:

17 “(A) \$4,011,000,000 for fiscal year 2005.

18 “(B) \$4,335,891,000 for fiscal year
19 2006.”.

20 **SEC. 102. ESTABLISHMENT AND IMPLEMENTATION OF**
21 **COST ACCOUNTING SYSTEM; REPORTS.**

22 Section 334 of the Customs and Border Security Act
23 of 2002 (19 U.S.C. 2082 note) is amended to read as fol-
24 lows:

1 **“SEC. 334. ESTABLISHMENT AND IMPLEMENTATION OF**
2 **COST ACCOUNTING SYSTEM; REPORTS.**

3 “(a) ESTABLISHMENT AND IMPLEMENTATION; CUS-
4 TOMS AND BORDER PROTECTION.—

5 “(1) IN GENERAL.—Not later than September
6 30, 2005, the Commissioner of Customs shall, in ac-
7 cordance with the audit of the Customs Service’s fis-
8 cal years 2000 and 1999 financial statements (as
9 contained in the report of the Office of Inspector
10 General of the Department of the Treasury issued
11 on February 23, 2001), establish and implement a
12 cost accounting system—

13 “(A) for expenses incurred in both com-
14 mercial and noncommercial operations of the
15 Bureau of Customs and Border Protection of
16 the Department of Homeland Security, which
17 system should specifically identify and distin-
18 guish expenses incurred in commercial oper-
19 ations and expenses incurred in noncommercial
20 operations; and

21 “(B) for expenses incurred both in admin-
22 istering and enforcing the customs laws of the
23 United States and the Federal immigration
24 laws, which system should specifically identify
25 and distinguish expenses incurred in admin-
26 istering and enforcing the customs laws of the

1 United States and the expenses incurred in ad-
2 ministering and enforcing the Federal immigra-
3 tion laws.

4 “(2) ADDITIONAL REQUIREMENT.—The cost ac-
5 counting system described in paragraph (1) shall
6 provide for an identification of expenses based on
7 the type of operation, the port at which the oper-
8 ation took place, the amount of time spent on the
9 operation by personnel of the Bureau of Customs
10 and Border Protection, and an identification of ex-
11 penses based on any other appropriate classification
12 necessary to provide for an accurate and complete
13 accounting of expenses.

14 “(b) ESTABLISHMENT AND IMPLEMENTATION; IMMI-
15 GRATION AND CUSTOMS ENFORCEMENT.—

16 “(1) IN GENERAL.—Not later than September
17 30, 2005, the Assistant Secretary for United States
18 Immigration and Customs Enforcement shall, in ac-
19 cordance with the audit of the Customs Service’s fis-
20 cal years 2000 and 1999 financial statements (as
21 contained in the report of the Office of Inspector
22 General of the Department of the Treasury issued
23 on February 23, 2001), establish and implement a
24 cost accounting system—

1 “(A) for expenses incurred in both com-
2 mercial and noncommercial operations of the
3 Bureau of Immigration and Customs Enforce-
4 ment of the Department of Homeland Security,
5 which system should specifically identify and
6 distinguish expenses incurred in commercial op-
7 erations and expenses incurred in noncommer-
8 cial operations;

9 “(B) for expenses incurred both in admin-
10 istering and enforcing the customs laws of the
11 United States and the Federal immigration
12 laws, which system should specifically identify
13 and distinguish expenses incurred in admin-
14 istering and enforcing the customs laws of the
15 United States and the expenses incurred in ad-
16 ministering and enforcing the Federal immigra-
17 tion laws.

18 “(2) ADDITIONAL REQUIREMENT.—The cost ac-
19 counting system described in paragraph (1) shall
20 provide for an identification of expenses based on
21 the type of operation, the amount of time spent on
22 the operation by personnel of the Bureau of Immi-
23 gration and Customs Enforcement, and an identi-
24 fication of expenses based on any other appropriate

1 classification necessary to provide for an accurate
2 and complete accounting of expenses.

3 “(c) REPORTS.—

4 “(1) DEVELOPMENT OF THE COST ACCOUNTING
5 SYSTEMS.—Beginning on the date of the enactment
6 of the Customs Border Security Act of 2004 and
7 ending on the date on which the cost accounting sys-
8 tems described in subsections (a) and (b) are fully
9 implemented, the Commissioner of Customs and the
10 Assistant Secretary for United States Immigration
11 and Customs Enforcement, respectively, shall pre-
12 pare and submit to Congress on a quarterly basis a
13 report on the progress of implementing the cost ac-
14 counting systems pursuant to subsections (a) and
15 (b).

16 “(2) ANNUAL REPORTS.—Beginning one year
17 after the date on which the cost accounting systems
18 described in subsections (a) and (b) are fully imple-
19 mented, the Commissioner of Customs and the As-
20 sistant Secretary for United States Immigration and
21 Customs Enforcement, respectively, shall prepare
22 and submit to Congress on an annual basis a report
23 itemizing the expenses identified in subsections (a)
24 and (b).

1 “(3) OFFICE OF THE INSPECTOR GENERAL.—
2 Not later than March 31, 2006, the Inspector Gen-
3 eral of the Department of Homeland Security shall
4 prepare and submit to Congress a report analyzing
5 the level of compliance with this section and detail-
6 ing any additional steps that should be taken to im-
7 prove compliance with this section.”.

8 **SEC. 103. STUDY AND REPORT RELATING TO CUSTOMS**
9 **USER FEES.**

10 (a) STUDY.—Beginning 180 days after the date on
11 which the cost accounting systems described in section
12 334 of the Customs and Border Security Act of 2002 (as
13 amended by section 102 of this Act) are fully imple-
14 mented, the Comptroller General shall conduct a study on
15 the extent to which the amount of each customs user fee
16 imposed under section 13031(a) of the Consolidated Om-
17 nibus Budget Reconciliation Act of 1985 (19 U.S.C.
18 58c(a)) approximates the cost of services provided by the
19 Bureau of Customs and Border Protection of the Depart-
20 ment of Homeland Security relating to the fee so imposed.
21 The study shall include an analysis of the use of each such
22 customs user fee by the Bureau of Customs and Border
23 Protection.

24 (b) REPORT.—Not later than one year after the date
25 on which the cost accounting systems described in section

1 334 of the Customs and Border Security Act of 2002 are
2 fully implemented, the Comptroller General shall submit
3 to the Committee on Ways and Means of the House of
4 Representatives and the Committee on Finance of the
5 Senate a report in classified form containing—

6 (1) the results of the study conducted under
7 subsection (a); and

8 (2) recommendations for the appropriate
9 amount of the customs user fees if such results indi-
10 cate that the fees are not commensurate with the
11 level of services provided by the Bureau of Customs
12 and Border Protection.

13 **Subtitle B—Technical Amendments** 14 **Relating to Entry and Protest**

15 **SEC. 111. ENTRY OF MERCHANDISE.**

16 (a) IN GENERAL.—Subsection (a) of section 484 of
17 the Tariff Act of 1930 (19 U.S.C. 1484) is amended—

18 (1) in paragraph (1)(B), by inserting after
19 “entry” the following: “, or substitute 1 or more
20 reconfigured entries on an import activity summary
21 statement,”; and

22 (2) in paragraph (2)(A)—

23 (A) in the second sentence, by inserting
24 after “statements” the following: “and permit
25 the filing of reconfigured entries,”; and

1 (B) by adding at the end the following:
2 “Entries filed under paragraph (1)(A) shall not
3 be liquidated if covered by an import activity
4 summary statement, but instead each reconfig-
5 ured entry in the import activity summary
6 statement shall be subject to liquidation or re-
7 liquidation pursuant to section 500, 501, or
8 504.”.

9 (b) RECONCILIATION.—Subsection (b)(1) of such sec-
10 tion is amended in the fourth sentence by striking “15
11 months” and inserting “21 months”.

12 **SEC. 112. LIMITATION ON LIQUIDATIONS.**

13 Section 504 of the Tariff Act of 1930 (19 U.S.C.
14 1504) is amended—

15 (1) in subsection (a)—

16 (A) by striking “or” at the end of para-
17 graph (3);

18 (B) in paragraph (4), by striking “filed;”
19 and inserting “filed, whichever is earlier; or”;
20 and

21 (C) by inserting after paragraph (4) the
22 following:

23 “(5) if a reconfigured entry is filed under an
24 import activity summary statement, the date the im-

1 port activity summary statement is filed or should
2 have been filed, whichever is earlier;” and

3 (2) by striking “at the time of entry” each
4 place it appears.

5 **SEC. 113. PROTESTS.**

6 Section 514 of the Tariff Act of 1930 (19 U.S.C.
7 1514) is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by striking “(relating to refunds and errors) of
11 this Act” and inserting “(relating to refunds),
12 any clerical error, mistake of fact, or other in-
13 advertence, whether or not resulting from or
14 contained in an electronic transmission, adverse
15 to the importer, in any entry, liquidation, or re-
16 liquidation, and”;

17 (B) in paragraph (5), by inserting “, in-
18 cluding the liquidation of an entry, pursuant to
19 either section 500 or section 504;” after “there-
20 of”; and

21 (C) in paragraph (7), by striking “(c) or”;
22 and

23 (2) in subsection (c)—

24 (A) in paragraph (1), in the sixth sentence,
25 by striking “A protest may be amended,” and

1 inserting “Unless a request for accelerated dis-
2 position is filed under section 515(b), a protest
3 may be amended,”;

4 (B) in paragraph (3)(A), by striking “no-
5 tice of” and inserting “date of”; and

6 (C) in paragraph (3)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “ninety days” and
9 inserting “180 days”;

10 (ii) in subparagraph (A), by striking
11 “notice of” and inserting “date of”; and

12 (iii) in the second sentence, by strik-
13 ing “90 days” and inserting “180 days” .

14 **SEC. 114. REVIEW OF PROTESTS.**

15 Section 515(b) of the Tariff Act of 1930 (19 U.S.C
16 1515(b)) is amended in the first sentence by striking
17 “after ninety days” and inserting “concurrent with or”.

18 **SEC. 115. REFUNDS AND ERRORS.**

19 Section 520(c) of the Tariff Act of 1930 (19 U.S.C
20 1520(c)) is repealed.

21 **SEC. 116. DEFINITIONS AND MISCELLANEOUS PROVISIONS.**

22 Section 401 of the Tariff Act of 1930 (19 U.S.C
23 1401) is amended by adding at the end the following:

24 “(t) RECONFIGURED ENTRY.—The term ‘reconfig-
25 ured entry’ means an entry filed on an import activity

1 summary statement which substitutes for all or part of
2 1 or more entries filed under section 484(a)(1)(A) or filed
3 on a reconciliation entry that aggregates the entry ele-
4 ments to be reconciled under section 484(b) for purposes
5 of liquidation, reliquidation, or protest.”.

6 **SEC. 117. VOLUNTARY RELIQUIDATIONS.**

7 Section 501 of the Tariff Act of 1930 (19 U.S.C
8 1501) is amended in the first sentence by inserting “or
9 504” after “section 500”.

10 **SEC. 118. EFFECTIVE DATE.**

11 The amendments made by this subtitle shall apply to
12 merchandise entered, or withdrawn from warehouse for
13 consumption, on or after the 15th day after the date of
14 the enactment of this Act.

15 **Subtitle C—Miscellaneous**
16 **Provisions**

17 **SEC. 121. DESIGNATION OF SAN ANTONIO INTERNATIONAL**
18 **AIRPORT FOR CUSTOMS PROCESSING OF**
19 **CERTAIN PRIVATE AIRCRAFT ARRIVING IN**
20 **THE UNITED STATES.**

21 (a) IN GENERAL.—Section 1453(a) of the Tariff Sus-
22 pension and Trade Act of 2000 is amended by striking
23 “2-year period” and inserting “6-year period”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall be effective as of November 9, 2002.

1 **SEC. 122. AUTHORITY FOR THE ESTABLISHMENT OF INTE-**
2 **GRATED BORDER INSPECTION AREAS AT THE**
3 **UNITED STATES-CANADA BORDER.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The increased security and safety concerns
7 that developed in the aftermath of the terrorist at-
8 tacks in the United States on September 11, 2001,
9 need to be addressed.

10 (2) One concern that has come to light is the
11 vulnerability of the international bridges and tunnels
12 along the United States borders.

13 (3) It is necessary to ensure that potentially
14 dangerous vehicles are inspected prior to crossing
15 these bridges and tunnels; however, currently these
16 vehicles are not inspected until after they have
17 crossed into the United States.

18 (4) Establishing Integrated Border Inspection
19 Areas (IBLAs) would address these concerns by in-
20 specting vehicles before they gained access to the in-
21 frastructure of international bridges and tunnels
22 joining the United States and Canada.

23 (b) CREATION OF INTEGRATED BORDER INSPECTION
24 AREAS.—

25 (1) IN GENERAL.—The Commissioner of the
26 Customs Service, in consultation with the Canadian

1 Customs and Revenue Agency (CCRA), shall seek to
2 establish Integrated Border Inspection Areas
3 (IBIAs), such as areas on either side of the United
4 States-Canada border, in which United States Cus-
5 toms officers can inspect vehicles entering the
6 United States from Canada before they enter the
7 United States, or Canadian Customs officers can in-
8 spect vehicles entering Canada from the United
9 States before they enter Canada. Such inspections
10 may include, where appropriate, employment of re-
11 verse inspection techniques.

12 (2) ADDITIONAL REQUIREMENT.—The Commis-
13 sioner of Customs, in consultation with the Adminis-
14 trator of the General Services Administration when
15 appropriate, shall seek to carry out paragraph (1) in
16 a manner that minimizes adverse impacts on the
17 surrounding community.

18 (3) ELEMENTS OF THE PROGRAM.—Using the
19 authority granted by this section and under section
20 629 of the Tariff Act of 1930, the Commissioner of
21 Customs, in consultation with the Canadian Customs
22 and Revenue Agency, shall seek to—

23 (A) locate Integrated Border Inspection
24 Areas in areas with bridges or tunnels with
25 high traffic volume, significant commercial ac-

1 tivity, and that have experienced backups and
2 delays since September 11, 2001;

3 (B) ensure that United States Customs of-
4 ficers stationed in any such IBIA on the Cana-
5 dian side of the border are vested with the max-
6 imum authority to carry out their duties and
7 enforce United States law;

8 (C) ensure that United States Customs of-
9 ficers stationed in any such IBIA on the Cana-
10 dian side of the border shall possess the same
11 immunity that they would possess if they were
12 stationed in the United States; and

13 (D) encourage appropriate officials of the
14 United States to enter into an agreement with
15 Canada permitting Canadian Customs officers
16 stationed in any such IBIA on the United
17 States side of the border to enjoy such immuni-
18 ties as permitted in Canada.

19 **SEC. 123. DESIGNATION OF FOREIGN LAW ENFORCEMENT**
20 **OFFICERS.**

21 (a) MISCELLANEOUS PROVISIONS.—Section 401(i) of
22 the Tariff Act of 1930 (19 U.S.C. 1401(i)) is amended
23 by inserting “, including foreign law enforcement offi-
24 cers,” after “or other person”.

1 (b) INSPECTIONS AND PRECLEARANCE IN FOREIGN
2 COUNTRIES.—Section 629 of the Tariff Act of 1930 (19
3 U.S.C. 1629) is amended—

4 (1) in subsection (a), by inserting “, or subse-
5 quent to their exit from,” after “prior to their ar-
6 rival in”;

7 (2) in subsection (c)—

8 (A) by inserting “or exportation” after
9 “relating to the importation”; and

10 (B) by inserting “or exit” after “port of
11 entry”;

12 (3) by amending subsection (e) to read as fol-
13 lows:

14 “(e) STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE
15 INSPECTION OFFICERS IN THE UNITED
16 STATES.—The Secretary of State, in coordination with the
17 Secretary and the Secretary of Agriculture, may enter into
18 agreements with any foreign country authorizing the sta-
19 tioning in the United States of customs and agriculture
20 inspection officials of that country (if similar privileges are
21 extended by that country to United States officials) for
22 the purpose of insuring that persons and merchandise
23 going directly to that country from the United States, or
24 that have gone directly from that country to the United
25 States, comply with the customs and other laws of that

1 country governing the importation or exportation of mer-
2 chandise. Any foreign customs or agriculture inspection
3 official stationed in the United States under this sub-
4 section may exercise such functions, perform such duties,
5 and enjoy such privileges and immunities as United States
6 officials may be authorized to perform or are afforded in
7 that foreign country by treaty, agreement, or law.”; and

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

9 “(g) PRIVILEGES AND IMMUNITIES.—Any person
10 designated to perform the duties of an officer of the Cus-
11 toms Service pursuant to section 401(i) of this Act shall
12 be entitled to the same privileges and immunities as an
13 officer of the Customs Service with respect to any actions
14 taken by the designated person in the performance of such
15 duties.”.

16 (c) CONFORMING AMENDMENT.—Section 127 of the
17 Treasury Department Appropriations Act, 2003, is hereby
18 repealed.

19 (d) EFFECTIVE DATE.—This section, and the amend-
20 ments made by this section, take effect on the date of the
21 enactment of this Act.

22 **SEC. 124. CUSTOMS SERVICES.**

23 Section 13031(e)(1) of the Consolidated Omnibus
24 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1))
25 is amended—

1 (1) by striking “(1) Notwithstanding section
2 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or
3 any other provision of law (other than paragraph
4 (2)),” and inserting:

5 “(1) IN GENERAL.—

6 “(A) SCHEDULED FLIGHTS.—Notwith-
7 standing section 451 of the Tariff Act of 1930
8 (19 U.S.C. 1451) or any other provision of law
9 (other than subparagraph (B) and paragraph
10 (2)),”; and

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

12 “(B) CHARTER FLIGHTS.—If a charter air
13 carrier (as defined in section 40102(13) of title
14 49, United States Code) specifically requests
15 that customs border patrol services for pas-
16 sengers and their baggage be provided for a
17 charter flight arriving after normal operating
18 hours at a customs border patrol serviced air-
19 port and overtime funds for those services are
20 not available, the appropriate customs border
21 patrol officer may assign sufficient customs em-
22 ployees (if available) to perform any such serv-
23 ices, which could lawfully be performed during
24 regular hours of operation, and any overtime

1 fees incurred in connection with such service
2 shall be paid by the charter air carrier.”.

3 **SEC. 125. SENSE OF CONGRESS ON INTERPRETATION OF**
4 **TEXTILE AND APPAREL PROVISIONS.**

5 It is the sense of Congress that the Bureau of Cus-
6 toms and Border Protection of the Department of Home-
7 land Security should interpret, implement, and enforce the
8 provisions of section 112 of the African Growth and Op-
9 portunity Act (19 U.S.C. 3721), section 204 of the Ande-
10 an Trade Preference Act (19 U.S.C. 3203), and section
11 213 of the Caribbean Basin Economic Recovery Act (19
12 U.S.C. 2703), relating to preferential treatment of textile
13 and apparel articles, broadly in order to expand trade by
14 maximizing opportunities for imports of such articles from
15 eligible beneficiary countries.

16 **SEC. 126. TECHNICAL AMENDMENTS.**

17 (a) TARIFF ACT OF 1930.—Section 505(a) of the
18 Tariff Act of 1930 is amended—

19 (1) in the first sentence—

20 (A) by inserting “referred to in this sub-
21 section” after “periodic payment”; and

22 (B) by striking “10 working days” and in-
23 serting “12 working days”; and

24 (2) in the second sentence, by striking “a par-
25 ticipating” and all that follows through the end of

1 the sentence and inserting the following: “the Sec-
2 retary shall promulgate regulations, after testing the
3 module, permitting a participating importer of
4 record to deposit estimated duties and fees for en-
5 tries of merchandise, other than merchandise en-
6 tered for warehouse, transportation, or under bond,
7 no later than the 15 working days following the
8 month in which the merchandise is entered or re-
9 leased, whichever comes first.”.

10 (b) CUSTOMS USER FEES.—(1) Section
11 13031(b)(9)(A) of the Consolidated Omnibus Budget Rec-
12 onciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is
13 amended by striking “less than \$2,000” and inserting
14 “\$2,000 or less”.

15 (2) Section 13031(b)(9)(A)(ii) of the Consolidated
16 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
17 58c(b)(9)(A)(ii)) is amended to read as follows:

18 “(ii) Notwithstanding subsection (e)(6)
19 and subject to the provisions of subparagraph
20 (B), in the case of an express consignment car-
21 rier facility or centralized hub facility—

22 “(I) \$.66 per individual airway bill or
23 bill of lading; and

1 “(II) if the merchandise is formally
2 entered, the fee provided for in subsection
3 (a)(9), if applicable.”.

4 (3) Section 13031(b)(9)(B) of the Consolidated Om-
5 nibus Budget Reconciliation Act of 1985 (19 U.S.C.
6 58c(b)(9)(B)) is amended—

7 (A) by moving the margins for subparagraph
8 (B) 4 ems to the left; and

9 (B) in clause (ii), by striking “subparagraph
10 (A)(ii)” and inserting “subparagraph (A)(ii) (I) or
11 (II)”.

12 (4) Section 13031(f)(1)(B) of the Consolidated Om-
13 nibus Budget Reconciliation Act of 1985 (19 U.S.C.
14 58c(f)(1)(B)) is amended by moving the subparagraph 2
15 ems to the left.

16 **TITLE II—OFFICE OF THE**
17 **UNITED STATES TRADE REP-**
18 **RESENTATIVE**

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
21 141(g)(1)(A) of the Trade Act of 1974 (19 U.S.C.
22 2171(g)(1)(A)) is amended by striking clauses (i) and (ii)
23 and inserting the following:

24 “(i) \$39,552,000 for fiscal year 2005.

25 “(ii) \$39,552,000 for fiscal year 2006.”.

1 (b) RULE OF CONSTRUCTION.—The amendment
2 made by subsection (a) shall not be construed to affect
3 the availability of funds appropriated pursuant to section
4 141(g)(1)(A) of the Trade Act of 1974 before the date
5 of the enactment of this Act.

6 **TITLE III—UNITED STATES**
7 **INTERNATIONAL TRADE COM-**
8 **MISSION**

9 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
11 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C.
12 1330(e)(2)(A)) is amended by striking clauses (i) and (ii)
13 and inserting the following:

14 “(i) \$61,700,000 for fiscal year 2005.

15 “(ii) \$65,278,000 for fiscal year 2006.”.

16 (b) RULE OF CONSTRUCTION.—The amendment
17 made by subsection (a) shall not be construed to affect
18 the availability of funds appropriated pursuant to section
19 330(e)(2)(A) of the Tariff Act of 1930 before the date
20 of the enactment of this Act.

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