

110TH CONGRESS
1ST SESSION

H. R. 2431

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

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2007

Mr. CUELLAR (for himself and Mr. REHBERG) introduced the following bill;
which was referred to the Committee on Homeland Security

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 of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSIONER.—The term “Commis-
9 sioner” means the Commissioner responsible for

1 United States Customs and Border Protection of the
2 Department of Homeland Security.

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

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

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

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of the Department of Homeland Secu-
15 rity.

16 **SEC. 3. HIRING AND TRAINING OF BORDER AND TRANS-**
17 **PORTATION SECURITY PERSONNEL.**

18 (a) OFFICERS AND AGENTS.—

19 (1) INCREASE IN OFFICERS AND AGENTS.—
20 During each of fiscal years 2008 through 2012, the
21 Secretary shall—

22 (A) increase the number of full-time agents
23 and associated support staff in United States
24 Immigration and Customs Enforcement of the
25 Department of Homeland Security by the equiv-

1 alent of at least 100 more than the number of
2 such employees as of the end of the preceding
3 fiscal year; and

4 (B) increase the number of full-time offi-
5 cers, agricultural specialists, and associated
6 support staff in the United States Customs and
7 Border Protection of the Department of Home-
8 land Security by the equivalent of at least 200
9 more than the number of such employees as of
10 the end of the preceding fiscal year.

11 (2) WAIVER OF FTE LIMITATION.—The Sec-
12 retary is authorized to waive any limitation on the
13 number of full-time equivalent personnel assigned to
14 the Department of Homeland Security to fulfill the
15 requirements of paragraph (1).

16 (b) TRAINING.—The Secretary, acting through the
17 Assistant Secretary for United States Immigration and
18 Customs Enforcement and the Commissioner, shall pro-
19 vide appropriate training for agents, officers, agricultural
20 specialists, and associated support staff of the Department
21 of Homeland Security on an ongoing basis to utilize new
22 technologies and to ensure that the proficiency levels of
23 such 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 Commissioner, in consulta-
5 tion with the Administrator of General Services shall—

6 (1) review the Port of Entry Infrastructure As-
7 sessment Study prepared by United States Customs
8 and Border Protection, United States Citizenship
9 and Immigration Services, and the General Services
10 Administration in accordance with the matter relat-
11 ing to the ports of entry infrastructure assessment
12 that is set out in the joint explanatory statement in
13 the conference report accompanying H.R. 2490 of
14 the 106th Congress, 1st session (House of Rep-
15 resentatives Rep. No. 106–319, on page 67) and the
16 nationwide strategy to prioritize and address the in-
17 frastructure needs at the land ports-of-entry pre-
18 pared by the Department of Homeland Security and
19 the General Services Administration in accordance
20 with the Senate report accompanying H.R. 2555 of
21 the 108th Congress, 1st session (Senate Rep. No.
22 108–86, on page 22);

23 (2) update the assessment of the infrastructure
24 needs of all United States land ports of entry; and

25 (3) submit to Congress such updated assess-
26 ment.

1 (b) CONSULTATION.—In preparing the updated as-
2 sessment required in subsection (a), the Commissioner
3 and the Administrator of General Services shall consult
4 with the Director of the Office of Management and Budg-
5 et, the Secretary, and appropriate officials from affected
6 State and local agencies on the northern border or the
7 southern border.

8 (c) CONTENTS.—Each updated assessment required
9 in subsection (a) shall—

10 (1) identify port of entry infrastructure and
11 technology improvement projects that would enhance
12 border security and facilitate the flow of legitimate
13 commerce if implemented;

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

17 (3) prioritize the projects described in para-
18 graphs (1) and (2) based on the ability of a project
19 to—

20 (A) enhance the ability of United States
21 Customs and Border Protection to achieve its
22 mission and to support operations;

23 (B) fulfill security requirements; and

24 (C) facilitate trade across the borders of
25 the United States.

1 (d) PROJECT IMPLEMENTATION.—As appropriate,
2 the Commissioner shall implement the infrastructure and
3 technology improvement projects described in subsection
4 (c) in the order of priority assigned to each project under
5 paragraph (3) of such subsection, or forward the
6 prioritized list of infrastructure and technology improve-
7 ment projects to the Administrator of General Services for
8 implementation in the order of priority assigned to each
9 project under such paragraph (3).

10 (e) DIVERGENCE FROM PRIORITIES.—The Commis-
11 sioner may diverge from the priority order if the Commis-
12 sioner determines that significantly changed cir-
13 cumstances, including immediate security needs, changes
14 in infrastructure in Mexico or Canada, or other similar
15 concerns compellingly alter the need for a project in the
16 United States.

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

18 (a) REQUIREMENT FOR PLAN.—Not later than Janu-
19 ary 31 of each year, the Secretary, acting through the
20 Commissioner, shall prepare a National Land Border Se-
21 curity Plan and submit such plan to Congress.

22 (b) CONSULTATION.—In preparing the plan required
23 in subsection (a), the Commissioner shall consult with ap-
24 propriate officials from other appropriate Federal agen-
25 cies, and the State, local law enforcement agencies, and

1 private entities that are involved in international trade
2 across the northern border or the southern border.

3 (c) VULNERABILITY ASSESSMENT.—

4 (1) IN GENERAL.—The plan required in sub-
5 section (a) shall include a vulnerability assessment
6 of each port of entry located on the northern border
7 or the southern border.

8 (2) PORT SECURITY COORDINATORS.—The Sec-
9 retary, acting through the Commissioner, may estab-
10 lish one or more port security coordinators at each
11 port of entry located on the northern border or the
12 southern border—

13 (A) to assist in conducting a vulnerability
14 assessment at such port; and

15 (B) to provide other assistance with the
16 preparation of the plan required under sub-
17 section (a).

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

19 (a) COMMERCE SECURITY PROGRAMS.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, the
22 Commissioner, in consultation with the Secretary,
23 shall develop a plan to expand the size and scope,
24 including personnel needs, of the Customs-Trade
25 Partnership Against Terrorism program or other

1 voluntary government-private sector programs to
2 strengthen and improve the overall security of the
3 international supply chain and United States border
4 security along the northern border and southern bor-
5 der.

6 (2) SOUTHERN BORDER DEMONSTRATION PRO-
7 GRAM.—Not later than 180 days after the date of
8 the enactment of this Act, the Commissioner shall
9 establish a demonstration program along the south-
10 ern border for the purpose of implementing at least
11 one voluntary government-private sector program to
12 strengthen and improve the overall security of the
13 international supply chain and United States border
14 security along such border. The program selected for
15 the demonstration program shall have been success-
16 fully implemented along the northern border as of
17 the date of the enactment of this Act.

18 (b) MAQUILADORA DEMONSTRATION PROGRAM.—
19 Not later than 180 days after the date of the enactment
20 of this Act, the Commissioner shall establish a demonstra-
21 tion program to develop a cooperative trade security sys-
22 tem to improve supply chain security along the southern
23 border.

1 **SEC. 7. PORT OF ENTRY TECHNOLOGY DEMONSTRATION**
2 **PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary, acting
4 through the Commissioner, shall carry out a technology
5 demonstration program to test and evaluate new port of
6 entry technologies, refine port of entry technologies and
7 operational concepts, and train personnel under realistic
8 conditions.

9 (b) **TECHNOLOGY AND FACILITIES.**—

10 (1) **TECHNOLOGY TESTED.**—Under the dem-
11 onstration program, the Commissioner shall test
12 technologies that enhance port of entry operations,
13 including those related to inspections, communica-
14 tions, port tracking, identification of persons and
15 cargo, sensory devices, personal detection, decision
16 support, and the detection and identification of
17 weapons of mass destruction.

18 (2) **FACILITIES DEVELOPED.**—At a demonstra-
19 tion site selected pursuant to subsection (c)(2), the
20 Commissioner shall develop facilities to provide ap-
21 propriate training to law enforcement personnel who
22 have responsibility for border security, including
23 cross-training among agencies, advanced law en-
24 forcement training, and equipment orientation.

25 (c) **DEMONSTRATION SITES.**—

1 (1) NUMBER.—The Commissioner shall carry
2 out the demonstration program at not fewer than
3 three sites and not more than five sites.

4 (2) LOCATION.—At least one of the sites se-
5 lected under subsection (c) shall be located on the
6 northern border of the United States and at least
7 one of the sites selected under subsection (c) shall
8 be located on the southern border of the United
9 States.

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

20 (A) have been established not more than
21 15 years before the date of the enactment of
22 this Act;

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

1 (C) have serviced an average of not more
2 than 50,000 vehicles per month in the 12 full
3 months preceding the date of the enactment of
4 this Act.

5 (d) RELATIONSHIP WITH OTHER AGENCIES.—The
6 Secretary, acting through the Commissioner, shall permit
7 personnel from appropriate Federal and State agencies to
8 utilize a demonstration site described in subsection (c) to
9 test technologies that enhance port of entry operations,
10 including those related to inspections, communications,
11 port tracking, identification of persons and cargo, sensory
12 devices, personal detection, decision support, and the de-
13 tection and identification of weapons of mass destruction.

14 (e) REPORT.—

15 (1) REQUIREMENT.—Not later than one year
16 after the date of the enactment of this Act and an-
17 nually thereafter, the Secretary shall submit to Con-
18 gress a report on the activities carried out at each
19 demonstration site under the technology demonstra-
20 tion program established under this section.

21 (2) CONTENT.—The report shall include an as-
22 sessment by the Commissioner of the feasibility of
23 incorporating any demonstrated technology for use
24 throughout United States Customs and Border Pro-
25 tection.

1 **SEC. 8. PROJECT CONSOLIDATION AND STREAMLINING;**
2 **LOCAL EMPLOYMENT REQUIREMENTS.**

3 (a) PROJECT CONSOLIDATION AND STREAM-
4 LINING.—With respect to the implementation of infra-
5 structure and technology improvement projects under sec-
6 tion 4(d), the Customs-Trade Partnership Against Ter-
7 rorism program or other voluntary government-private
8 sector programs, the Southern border demonstration pro-
9 gram, and the Maquiladora demonstration program under
10 section 6, and the technology demonstration program
11 under section 7, the Commissioner shall take such actions
12 as are necessary to—

13 (1) consolidate, where appropriate, Federal,
14 State, and local government and tribal contracting
15 activities; and

16 (2) review if Federal, State, or local govern-
17 ment or tribal entities are carrying out similar
18 projects or programs.

19 (b) REVIEW PROCESS.—

20 (1) IN GENERAL.—The Commissioner shall de-
21 velop a coordinated review process relating to the
22 projects and programs referred to in subsection (a)
23 with respect to any necessary environmental review,
24 analysis, or permit and licensing processes. Such
25 processes shall be conducted concurrently and com-

1 pleted within a specific time frame, as determined by
2 the Commissioner.

3 (2) AGREEMENTS FOR REVIEW.—The Commis-
4 sioner is authorized to enter into agreements with
5 State or local governments or tribal entities for re-
6 view, permits, hearings, or other process under para-
7 graph (1) related to the projects and programs re-
8 ferred to in subsection (a).

9 (3) NOTIFICATION.—If the Commissioner deter-
10 mines that a State or local government or tribal en-
11 tity has not completed a process within a specific
12 time frame as required under paragraph (1), the
13 Commissioner shall promptly notify Congress of
14 such delay.

15 (4) NO DUPLICATION.—The Commissioner shall
16 ensure, to the greatest extent practicable, that there
17 is no duplication of efforts among Federal, State,
18 and local government and tribal contracting activi-
19 ties with respect to the projects and programs re-
20 ferred to in subsection (a).

21 (c) LOCAL EMPLOYMENT REQUIREMENTS.—

22 (1) IN GENERAL.—In order to enter into a con-
23 tract with the Department of Homeland Security re-
24 lated to the projects and programs referred to in
25 subsection (a), a private business shall submit to the

1 Commissioner a certification that not less than 50
2 percent of the employees of such business are local
3 residents.

4 (2) WAIVER.—The Commissioner may waive
5 the local employment requirement of paragraph (1)
6 if the Commissioner determines that such require-
7 ment is inappropriate in light of such a project or
8 program.

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

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

12 (1) to carry out the provisions of section 3,
13 such sums as may be necessary for fiscal years 2008
14 through 2012;

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

16 (A) to carry out subsection (a) of such sec-
17 tion, such sums as may be necessary for fiscal
18 years 2008 through 2012; and

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

21 (i) \$100,000,000 for each of fiscal
22 years 2008 through 2012; and

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

25 (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 2008,
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 fiscal years 2009 through 2012; and

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

12 (i) \$5,000,000 for fiscal year 2008;
13 and

14 (ii) such sums as may be necessary
15 for fiscal years 2009 through 2012; and

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

21 (A) \$50,000,000 for fiscal year 2008; and

22 (B) such sums as may be necessary for
23 each of fiscal years 2009 through 2012.

24 (b) INTERNATIONAL AGREEMENTS.—Funds author-
25 ized to be appropriated in this Act may be used for the

1 implementation of projects described in the Declaration on
2 Embracing Technology and Cooperation to Promote the
3 Secure and Efficient Flow of People and Commerce across
4 our Shared Border between the United States and Mexico,
5 agreed to on March 22, 2002, in Monterrey, Mexico, (com-
6 monly known as the Border Partnership Action Plan), or
7 the Smart Border Declaration between the United States
8 and Canada, agreed to on December 12, 2001, in Ottawa,
9 Canada, that are consistent with the provisions of this Act.

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