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107TH CONGRESS
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H. R. 3129

[Report No. 107-320]

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

DECEMBER 5, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on October 16, 2001]

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”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7 *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, commer-
cial 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 pornog-
raphy/child sexual exploitation.

Subtitle C—Personnel Provisions

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

Sec. 121. Correction relating to fiscal year cap.

Sec. 122. Correction relating to overtime pay.

Sec. 123. Correction relating to premium pay.

Sec. 124. Use of savings from payment of premium pay.

Sec. 125. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 131. Additional Customs Service officers for United States-Canada border.

Sec. 132. Study and report relating to personnel practices of the Customs Service.

Sec. 133. Study and report relating to accounting and auditing procedures of the
Customs Service.

Sec. 134. Establishment and implementation of cost accounting system; reports.

Sec. 135. Study and report relating to timeliness of prospective rulings.

Sec. 136. 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.
Sec. 153. Implementation of the African Growth and Opportunity Act.

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 OP-**
8 **ERATIONS, AND AIR AND MARINE INTERDIC-**
9 **TION.**

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

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

2 “(A) \$886,513,000 for fiscal year 2002.”;

3 *and*

4 (2) *in subparagraph (B) to read as follows:*

5 “(B) \$909,471,000 for fiscal year 2003.”.

6 (b) *COMMERCIAL OPERATIONS.—*

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

10 (A) *in clause (i) to read as follows:*

11 “(i) \$1,603,482,000 for fiscal year 2002.”;

12 *and*

13 (B) *in clause (ii) to read as follows:*

14 “(ii) \$1,645,009,000 for fiscal year 2003.”.

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

1 (3) *REPORTS.*—Not later than 90 days after the
2 date of the enactment of this Act, and not later than
3 each subsequent 90-day period, the Commissioner of
4 Customs shall prepare and submit to the Committee
5 on Ways and Means of the House of Representatives
6 and the Committee on Finance of the Senate a report
7 demonstrating that the development and establish-
8 ment of the Automated Commercial Environment
9 computer system is being carried out in a cost-effec-
10 tive manner and meets the modernization require-
11 ments of title VI of the North American Free Trade
12 Agreements Implementation Act.

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

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

18 “(A) \$181,860,000 for fiscal year 2002.”;

19 and

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

21 “(B) \$186,570,000 for fiscal year 2003.”.

22 (d) *SUBMISSION OF OUT-YEAR BUDGET PROJEC-*
23 *TIONS.*—Section 301(a) of the Customs Procedural Reform
24 and Simplification Act of 1978 (19 U.S.C. 2075(a)) is
25 amended by adding at the end the following:

1 “(3) *By not later than the date on which the President*
2 *submits to Congress the budget of the United States Govern-*
3 *ment for a fiscal year, the Commissioner of Customs shall*
4 *submit to the Committee on Ways and Means of the House*
5 *of Representatives and the Committee on Finance of the*
6 *Senate the projected amount of funds for the succeeding fis-*
7 *cal year that will be necessary for the operations of the Cus-*
8 *toms Service as provided for in subsection (b).”.*

9 **SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETEC-**
10 **TION EQUIPMENT FOR THE UNITED STATES-**
11 **MEXICO BORDER, UNITED STATES-CANADA**
12 **BORDER, AND FLORIDA AND THE GULF**
13 **COAST SEAPORTS.**

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

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

1 (A) \$6,000,000 for 8 Vehicle and Container
2 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 fixed-
6 site truck x-rays from the present energy level of
7 450,000 electron volts to 1,000,000 electron volts
8 (1-MeV).

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

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

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

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

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

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

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

4 *(K) \$1,000,000 for 20 remote watch surveil-*
5 *lance camera systems at ports where there are*
6 *suspicious activities at loading docks, vehicle*
7 *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 sen-*
11 *sors to be distributed among the ports with the*
12 *greatest volume of outbound traffic.*

13 *(M) \$180,000 for 36 AM traffic information*
14 *radio stations, with 1 station to be located at*
15 *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 systems*
20 *to counter the surveillance of customs inspection*
21 *activities by persons outside the boundaries of*
22 *ports where such surveillance activities are oc-*
23 *curring.*

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

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

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

12 (A) \$3,000,000 for 4 Vehicle and Container
13 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 de-
18 tectors (busters) to be distributed among ports
19 where the current allocations are inadequate.

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

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

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

4 (3) *FLORIDA AND GULF COAST SEAPORTS.*—For
5 Florida and the Gulf Coast seaports, the following:

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

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

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

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

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

17 (b) *FISCAL YEAR 2003.*—Of the amounts made avail-
18 able for fiscal year 2003 under section 301(b)(1)(B) of the
19 Customs Procedural Reform and Simplification Act of 1978
20 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a)
21 of this Act, \$9,000,000 shall be available until expended for
22 the maintenance and support of the equipment and train-
23 ing of personnel to maintain and support the equipment
24 described in subsection (a).

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

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

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

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

16 (B) *can be obtained at a lower cost than the*
17 *equipment described in subsection (a).*

18 (2) *TRANSFER OF FUNDS.—Notwithstanding any*
19 *other provision of this section, the Commissioner of*
20 *Customs may reallocate an amount not to exceed 10*
21 *percent of—*

22 (A) *the amount specified in any of subpara-*
23 *graphs (A) through (R) of subsection (a)(1) for*
24 *equipment specified in any other of such sub-*
25 *paragraphs (A) through (R);*

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

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

9 **SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN RE-**
10 **QUIREMENTS.**

11 As part of the annual performance plan for each of
12 the fiscal years 2002 and 2003 covering each program activ-
13 ity set forth in the budget of the United States Customs
14 Service, as required under section 1115 of title 31, United
15 States Code, the Commissioner of Customs shall establish
16 performance goals, performance indicators, and comply
17 with all other requirements contained in paragraphs (1)
18 through (6) of subsection (a) of such section with respect
19 to each of the activities to be carried out pursuant to sec-
20 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 Cus-*
11 *toms 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 Ex-*
16 *ploited Children for the operation of the child pornography*
17 *cyber tipline of the Center and for increased public aware-*
18 *ness 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 over-*
2 *time pay under subsection (a) (including commuting*
3 *compensation under subsection (a)(2)(B)) that a cus-*
4 *toms officer may be paid in any fiscal year may not*
5 *exceed \$30,000, except that—*

6 “(A) *the Commissioner of Customs or his or*
7 *her designee may waive this limitation in indi-*
8 *vidual cases in order to prevent excessive costs or*
9 *to meet emergency requirements of the Customs*
10 *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 Rep-*
14 *resentatives and the Committee on Finance of the*
15 *Senate that the Customs Service has in operation*
16 *a system that provides accurate and reliable*
17 *data on a daily basis on overtime and premium*
18 *pay that is being paid to customs officers, the*
19 *Commissioner is authorized to pay any customs*
20 *officer for one work assignment that would result*
21 *in the overtime pay of that officer exceeding the*
22 *\$30,000 limitation imposed by this paragraph,*
23 *in addition to any overtime pay that may be re-*
24 *ceived pursuant to a waiver under subparagraph*
25 *(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 customs
6 officer unless such officer actually performed work during
7 the time corresponding to such overtime pay. The preceding
8 sentence shall not apply with respect to the payment of an
9 award or settlement to a customs officer who was unable
10 to perform overtime work as a result of a personnel action
11 in violation of section 5596 of title 5, United States Code,
12 section 6(d) of the Fair Labor Standards Act of 1938, or
13 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 at the end the following new sentences: “Premium pay
18 provided under this subsection shall not be paid to any cus-
19 toms officer unless such officer actually performed work
20 during the time corresponding to such premium pay. The
21 preceding sentence shall not apply with respect to the pay-
22 ment of an award or settlement to a customs officer who
23 was unable to perform work during the time described in
24 the preceding sentence as a result of a personnel action in
25 violation of section 5596 of title 5, United States Code, sec-

1 *tion 6(d) of the Fair Labor Standards Act of 1938, or title*
2 *VII of the Civil Rights Act of 1964.”*

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

6 *“(1) NIGHT WORK DIFFERENTIAL.—*

7 *“(A) 5 P.M. TO MIDNIGHT.—(i) If any hours*
8 *of regularly scheduled work of a customs officer*
9 *occur during the hours of 5 p.m. and 12 a.m.,*
10 *the officer is entitled to pay for such hours of*
11 *work (except for work to which paragraph (2) or*
12 *(3) applies) at the officer’s hourly rate of basic*
13 *pay plus premium pay amounting to not less*
14 *than 18 percent of that basic rate.*

15 *“(ii) If the regularly scheduled work of a*
16 *customs officer is 4 p.m. to 12:00 a.m., the officer*
17 *is entitled to pay for work during such period*
18 *(except for work to which paragraph (2) or (3)*
19 *applies) at the officer’s hourly rate of basic pay*
20 *plus premium pay amounting to not less than*
21 *18 percent of that basic rate.*

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

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

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

12 **SEC. 124. USE OF SAVINGS FROM PAYMENT OF PREMIUM**
13 **PAY.**

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

16 (1) by redesignating subsection (e) as subsection
17 (f); and

18 (2) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) **USE OF SAVINGS FROM PAYMENT OF PREMIUM**
21 **PAY.**—

22 “(1) **USE OF AMOUNTS.**—For fiscal year 2002,
23 the Secretary of the Treasury—

1 “(A) shall determine under paragraph (2)
2 the amount of savings from the payment of pre-
3 mium pay to customs officers; and

4 “(B) shall use an amount from the Customs
5 User Fee Account equal to such amount deter-
6 mined under paragraph (2) for additional pre-
7 mium pay described in clauses (i) and (ii) of
8 subsection (b)(1)(A).

9 “(2) DETERMINATION OF SAVINGS AMOUNT.—The
10 Secretary shall calculate an amount equal to the dif-
11 ference between—

12 “(A) the estimated cost for premium pay
13 that would have been incurred during fiscal year
14 2002 if this section, as in effect on the day before
15 the date of the enactment of section 123 of the
16 Customs Border Security Act of 2001, had gov-
17 erned such costs; and

18 “(B) the actual cost for premium pay that
19 is incurred during fiscal year 2002 under this
20 section, as amended by section 123 of the Cus-
21 toms Border Security Act of 2001.”.

22 **SEC. 125. EFFECTIVE DATE.**

23 This chapter, and the amendments made by this chap-
24 ter, shall apply with respect to pay periods beginning on
25 or after 15 days after the date of the enactment of this Act.

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

3 **SEC. 131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR**
4 **UNITED STATES–CANADA BORDER.**

5 *Of the amount made available for fiscal year 2002*
6 *under paragraphs (1) and (2)(A) of section 301(b) of the*
7 *Customs Procedural Reform and Simplification Act of 1978*
8 *(19 U.S.C. 2075(b)), as amended by section 101 of this Act,*
9 *\$25,000,000 shall be available until expended for the Cus-*
10 *toms Service to hire approximately 285 additional Customs*
11 *Service officers to address the needs of the offices and ports*
12 *along the United States–Canada border.*

13 **SEC. 132. STUDY AND REPORT RELATING TO PERSONNEL**
14 **PRACTICES OF THE CUSTOMS SERVICE.**

15 *(a) STUDY.—The Commissioner of Customs shall con-*
16 *duct a study of current personnel practices of the Customs*
17 *Service, including an overview of performance standards*
18 *and the effect and impact of the collective bargaining proc-*
19 *ess on drug interdiction efforts of the Customs Service and*
20 *a comparison of duty rotation policies of the Customs Serv-*
21 *ice and other Federal agencies that employ similarly-situ-*
22 *ated personnel.*

23 *(b) REPORT.—Not later than 120 days after the date*
24 *of the enactment of this Act, the Commissioner of Customs*
25 *shall submit to the Committee on Ways and Means of the*

1 *House of Representatives and the Committee on Finance*
2 *of the Senate a report containing the results of the study*
3 *conducted under subsection (a).*

4 **SEC. 133. STUDY AND REPORT RELATING TO ACCOUNTING**
5 **AND AUDITING PROCEDURES OF THE CUS-**
6 **TOMS SERVICE.**

7 (a) *STUDY.*—(1) *The Commissioner of Customs shall*
8 *conduct a study of actions by the Customs Service to ensure*
9 *that appropriate training is being provided to Customs*
10 *Service personnel who are responsible for financial auditing*
11 *of importers.*

12 (2) *In conducting the study, the Commissioner—*

13 (A) *shall specifically identify those actions taken*
14 *to comply with provisions of law that protect the pri-*
15 *vacancy and trade secrets of importers, such as section*
16 *552(b) of title 5, United States Code, and section*
17 *1905 of title 18, United States Code; and*

18 (B) *shall provide for public notice and comment*
19 *relating to verification of the actions described in sub-*
20 *paragraph (A).*

21 (b) *REPORT.*—*Not later than 6 months after the date*
22 *of the enactment of this Act, the Commissioner of Customs*
23 *shall submit to the Committee on Ways and Means of the*
24 *House of Representatives and the Committee on Finance*

1 of the Senate a report containing the results of the study
2 conducted under subsection (a).

3 **SEC. 134. ESTABLISHMENT AND IMPLEMENTATION OF COST**

4 **ACCOUNTING SYSTEM; REPORTS.**

5 (a) *ESTABLISHMENT AND IMPLEMENTATION.*—

6 (1) *IN GENERAL.*—Not later than September 30,
7 2003, the Commissioner of Customs shall, in accord-
8 ance with the audit of the Customs Service's fiscal
9 years 2000 and 1999 financial statements (as con-
10 tained in the report of the Office of the Inspector Gen-
11 eral of the Department of the Treasury issued on Feb-
12 ruary 23, 2001), establish and implement a cost ac-
13 counting system for expenses incurred in both com-
14 mercial and noncommercial operations of the Customs
15 Service.

16 (2) *ADDITIONAL REQUIREMENT.*—The cost ac-
17 counting system described in paragraph (1) shall pro-
18 vide for an identification of expenses based on the
19 type of operation, the port at which the operation
20 took place, the amount of time spent on the operation
21 by personnel of the Customs Service, and an identi-
22 fication of expenses based on any other appropriate
23 classification necessary to provide for an accurate
24 and complete accounting of the expenses.

1 **(b) REPORTS.**—Beginning on the date of the enactment
2 of this Act and ending on the date on which the cost ac-
3 counting system described in subsection (a) is fully imple-
4 mented, the Commissioner of Customs shall prepare and
5 submit to Congress on a quarterly basis a report on the
6 progress of implementing the cost accounting system pursu-
7 ant to subsection (a).

8 **SEC. 135. STUDY AND REPORT RELATING TO TIMELINESS**
9 **OF PROSPECTIVE RULINGS.**

10 **(a) STUDY.**—The Comptroller General shall conduct a
11 study on the extent to which the Office of Regulations and
12 Rulings of the Customs Service has made improvements to
13 decrease the amount of time to issue prospective rulings
14 from the date on which a request for the ruling is received
15 by the Customs Service.

16 **(b) REPORT.**—Not later than 1 year after the date of
17 the enactment of this Act, the Comptroller General shall
18 submit to the Committee on Ways and Means of the House
19 of Representatives and the Committee on Finance of the
20 Senate a report containing the results of the study con-
21 ducted under subsection (a).

22 **(c) DEFINITION.**—In this section, the term “prospec-
23 tive ruling” means a ruling that is requested by an im-
24 porter on goods that are proposed to be imported into the

1 *United States and that relates to the proper classification,*
2 *valuation, or marking of such goods.*

3 **SEC. 136. STUDY AND REPORT RELATING TO CUSTOMS**

4 **USER FEES.**

5 *(a) STUDY.—The Comptroller General shall conduct a*
6 *study on the extent to which the amount of each customs*
7 *user fee imposed under section 13031(a) of the Consolidated*
8 *Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.*
9 *58c(a)) is commensurate with the level of services provided*
10 *by the Customs Service relating to the fee so imposed.*

11 *(b) REPORT.—Not later than 120 days after the date*
12 *of the enactment of this Act, the Comptroller General shall*
13 *submit to the Committee on Ways and Means of the House*
14 *of Representatives and the Committee on Finance of the*
15 *Senate a report in classified form containing—*

16 *(1) the results of the study conducted under sub-*
17 *section (a); and*

18 *(2) recommendations for the appropriate amount*
19 *of the customs user fees if such results indicate that*
20 *the fees are not commensurate with the level of serv-*
21 *ices 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
6 of the United States (19 U.S.C. 482) is amended—

7 (1) by striking “Any of the officers” and insert-
8 ing “(a) Any of the officers”; and

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

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

15 (b) *REQUIREMENT TO POST POLICY AND PROCEDURES*
16 *FOR SEARCHES OF PASSENGERS.*—Not later than 30 days
17 after the date of the enactment of this Act, the Commissioner
18 of the Customs Service shall ensure that at each Customs
19 border facility appropriate notice is posted that provides
20 a summary of the policy and procedures of the Customs
21 Service for searching passengers, including a statement of
22 the policy relating to the prohibition on the conduct of
23 profiling of passengers based on gender, race, color, religion,
24 or ethnic background.

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. 1318)*
5 *is amended—*

6 *(1) by striking “Whenever the President” and in-*
7 *serting “(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 Emer-*
12 *gencies Act (50 U.S.C. 1601 et seq.) or to a specific threat*
13 *to human life or national interests, is authorized to take*
14 *the following actions on a temporary basis:*

15 *“(A) Eliminate, consolidate, or relocate any of-*
16 *fice or port of entry of the Customs Service.*

17 *“(B) Modify hours of service, alter services ren-*
18 *dered at any location, or reduce the number of em-*
19 *ployees at any location.*

20 *“(C) Take any other action that may be nec-*
21 *essary to directly respond to the national emergency*
22 *or specific threat.*

23 *“(2) Notwithstanding any other provision of law, the*
24 *Commissioner of Customs, when necessary to respond to a*
25 *specific threat to human life or national interests, is author-*
26 *ized to close temporarily any Customs office or port of entry*

1 *or take any other lesser action that may be necessary to*
 2 *respond to the specific threat.*

3 “(3) *The Secretary of the Treasury or the Commis-*
 4 *sioner of Customs, as the case may be, shall notify the Com-*
 5 *mittee on Ways and Means of the House of Representatives*
 6 *and the Committee on Finance of the Senate not later than*
 7 *72 hours after taking any action under paragraph (1) or*
 8 *(2).”.*

9 **SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMA-**
 10 **TION FOR CARGO AND PASSENGERS.**

11 *(a) CARGO INFORMATION.—*

12 *(1) IN GENERAL.—Section 431(b) of the Tariff*
 13 *Act of 1930 (19 U.S.C. 1431(b)) is amended—*

14 *(A) in the first sentence, by striking “Any*
 15 *manifest” and inserting “(1) Any manifest”;*
 16 *and*

17 *(B) by adding at the end the following:*

18 “(2) *In addition to any other requirement under this*
 19 *section, for each land, air, or vessel carrier required to make*
 20 *entry or obtain clearance under the customs laws of the*
 21 *United States, the pilot, the master, operator, or owner of*
 22 *such carrier (or the authorized agent of such operator or*
 23 *owner) shall provide by electronic transmission cargo mani-*
 24 *fest information in advance of such entry or clearance in*
 25 *such manner, time, and form as prescribed under regula-*

1 *tions by the Secretary. The Secretary may exclude any class*
2 *of land, air, or vessel carrier for which the Secretary con-*
3 *cludes the requirements of this subparagraph are not nec-*
4 *essary.”.*

5 (2) *CONFORMING AMENDMENTS.—Subparagraphs*
6 *(A) and (C) of section 431(d)(1) of such Act are each*
7 *amended by inserting before the semicolon “or sub-*
8 *section (b)(2)”.*

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

12 **“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION**
13 **REQUIRED FOR LAND, AIR, OR VESSEL CAR-**
14 **RIERS.**

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

1 “(b) *INFORMATION DESCRIBED.*—*The information de-*
2 *scribed in this subsection shall include for each person de-*
3 *scribed 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 alien*
9 *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 1930*
17 *(19 U.S.C. 1401) is amended by adding at the end the fol-*
18 *lowing:*

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 this*
24 *section shall take effect beginning 45 days after the date*
25 *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 para-*
11 *graph (2), a Customs officer may, subject to the provi-*
12 *sions of this section, stop and search at the border,*
13 *without a search warrant, mail of domestic origin*
14 *transmitted for export by the United States Postal*
15 *Service and foreign mail transiting the United States*
16 *that is being imported or exported by the United*
17 *States Postal Service.*

18 *“(2) PROVISIONS OF LAW DESCRIBED.—The pro-*
19 *visions of law described in this paragraph are the fol-*
20 *lowing:*

21 *“(A) Section 5316 of title 31, United States*
22 *Code (relating to reports on exporting and im-*
23 *porting monetary instruments).*

24 *“(B) Sections 1461, 1463, 1465, and 1466*
25 *and chapter 110 of title 18, United States Code*
26 *(relating to obscenity and child pornography).*

1 “(C) *Section 1003 of the Controlled Sub-*
2 *stances Import and Export Act (21 U.S.C. 953;*
3 *relating to exportation of controlled substances).*

4 “(D) *The Export Administration Act of*
5 *1979 (50 U.S.C. app. 2401 et seq.).*

6 “(E) *Section 38 of the Arms Export Control*
7 *Act (22 U.S.C. 2778).*

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

10 “(b) *SEARCH OF MAIL NOT SEALED AGAINST INSPEC-*
11 *TION AND OTHER MAIL.—Mail not sealed against inspec-*
12 *tion under the postal laws and regulations of the United*
13 *States, mail which bears a customs declaration, and mail*
14 *with respect to which the sender or addressee has consented*
15 *in writing to search, may be searched by 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 paragraph (2), upon reason-*
20 *able cause to suspect that such mail contains one or more*
21 *of the following:*

22 “(A) *Monetary instruments, as defined in section*
23 *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 Sub-
3 stances 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 other
12 abuse of children) of title 18, United States Code.

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

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

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

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

24 “(K) Merchandise subject to any other law en-
25 forced by the Customs Service.

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 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REES-**
10 **TABLISHMENT OF CUSTOMS OPERATIONS IN**
11 **NEW YORK CITY.**

12 (a) *AUTHORIZATION OF APPROPRIATIONS.*—

13 (1) *IN GENERAL.*—There is authorized to be ap-
14 propriated for the reestablishment of operations of the
15 Customs Service in New York, New York, such sums
16 as may be necessary for fiscal year 2002.

17 (2) *OPERATIONS DESCRIBED.*—The operations
18 referred to in paragraph (1) include, but are not lim-
19 ited to, the following:

20 (A) Operations relating to the Port Director
21 of New York City, the New York Customs Man-
22 agement Center (including the Director of Field
23 Operations), and the Special Agent-In-Charge
24 for New York.

1 (B) *Commercial operations, including tex-*
 2 *tile enforcement operations and salaries and ex-*
 3 *penses of—*

4 (i) *trade specialists who determine the*
 5 *origin and value of merchandise;*

6 (ii) *analysts who monitor the entry*
 7 *data into the United States of textiles and*
 8 *textile products; and*

9 (iii) *Customs officials who work with*
 10 *foreign governments to examine textile mak-*
 11 *ers and verify entry information.*

12 (b) *AVAILABILITY.—Amounts appropriated pursuant*
 13 *to the authorization of appropriations under subsection (a)*
 14 *are authorized to remain available until expended.*

15 ***Subtitle E—Textile Transshipment***
 16 ***Provisions***

17 ***SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONI-***
 18 ***TORING BY CUSTOMS SERVICE.***

19 (a) *GAO AUDIT.—The Comptroller General of the*
 20 *United States shall conduct an audit of the system estab-*
 21 *lished and carried out by the Customs Service to monitor*
 22 *textile transshipment.*

23 (b) *REPORT.—Not later than 9 months after the date*
 24 *of enactment of this Act, the Comptroller General shall sub-*
 25 *mit to the Committee on Ways and Means of the House*

1 *of Representatives and Committee on Finance of the Senate*
2 *a report that contains the results of the study conducted*
3 *under subsection (a), including recommendations for im-*
4 *provements to the transshipment monitoring system if ap-*
5 *plicable.*

6 (c) *TRANSSHIPMENT DESCRIBED.—Transshipment*
7 *within the meaning of this section has occurred when pref-*
8 *erential treatment under any provision of law has been*
9 *claimed for a textile or apparel article on the basis of mate-*
10 *rial false information concerning the country of origin,*
11 *manufacture, processing, or assembly of the article or any*
12 *of its components. For purposes of the preceding sentence,*
13 *false information is material if disclosure of the true infor-*
14 *mation would mean or would have meant that the article*
15 *is or was ineligible for preferential treatment under the pro-*
16 *vision of law in question.*

17 **SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEX-**

18 **TILE TRANSSHIPMENT ENFORCEMENT OPER-**

19 **ATIONS.**

20 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

21 (1) *IN GENERAL.—There is authorized to be ap-*
22 *propriated for textile transshipment enforcement oper-*
23 *ations of the Customs Service \$9,500,000 for fiscal*
24 *year 2002.*

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

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

9 (1) *IMPORT SPECIALISTS.*—\$1,463,000 for 21
10 Customs import specialists to be assigned to selected
11 ports for documentation review to support detentions
12 and exclusions and 1 additional Customs import spe-
13 cialist assigned to the Customs headquarters textile
14 program to administer the program and provide over-
15 sight.

16 (2) *INSPECTORS.*—\$652,080 for 10 Customs in-
17 spectors to be assigned to selected ports to examine
18 targeted high-risk shipments.

19 (3) *INVESTIGATORS.*—(A) \$1,165,380 for 10 in-
20 vestigators to be assigned to selected ports to inves-
21 tigate instances of smuggling, quota and trade agree-
22 ment circumvention, and use of counterfeit visas to
23 enter inadmissible goods.

24 (B) \$149,603 for 1 investigator to be assigned to
25 Customs headquarters textile program to coordinate

1 *and ensure implementation of textile production*
2 *verification team results from an investigation per-*
3 *spective.*

4 (4) *INTERNATIONAL TRADE SPECIALISTS.—*
5 *\$226,500 for 3 international trade specialists to be*
6 *assigned to Customs headquarters to be dedicated to*
7 *illegal textile transshipment policy issues and other*
8 *free trade agreement enforcement issues.*

9 (5) *PERMANENT IMPORT SPECIALISTS FOR HONG*
10 *KONG.—\$500,000 for 2 permanent import specialist*
11 *positions and \$500,000 for 2 investigators to be as-*
12 *signed to Hong Kong to work with Hong Kong and*
13 *other government authorities in Southeast Asia to as-*
14 *ist such authorities pursue proactive enforcement of*
15 *bilateral trade agreements.*

16 (6) *VARIOUS PERMANENT TRADE POSITIONS.—*
17 *\$3,500,000 for the following:*

18 (A) *2 permanent positions to be assigned to*
19 *the Customs attaché office in Central America to*
20 *address trade enforcement issues for that region.*

21 (B) *2 permanent positions to be assigned to*
22 *the Customs attaché office in South Africa to ad-*
23 *dress trade enforcement issues pursuant to the*
24 *African Growth and Opportunity Act (title I of*
25 *Public Law 106–200).*

1 (C) 4 permanent positions to be assigned to
2 the Customs attaché office in Mexico to address
3 the threat of illegal textile transshipment through
4 Mexico and other related issues under the North
5 American Free Trade Agreement Act.

6 (D) 2 permanent positions to be assigned to
7 the Customs attaché office in Seoul, South Korea,
8 to address the trade issues in the geographic re-
9 gion.

10 (E) 2 permanent positions to be assigned to
11 the proposed Customs attaché office in New
12 Delhi, India, to address the threat of illegal tex-
13 tile transshipment and other trade enforcement
14 issues.

15 (F) 2 permanent positions to be assigned to
16 the Customs attaché office in Rome, Italy, to ad-
17 dress trade enforcement issues in the geographic
18 region, including issues under free trade agree-
19 ments with Jordan and Israel.

20 (7) ATTORNEYS.—\$179,886 for 2 attorneys for
21 the Office of the Chief Counsel of the Customs Service
22 to pursue cases regarding illegal textile trans-
23 shipment.

1 (8) *AUDITORS.*—\$510,000 for 6 Customs audi-
2 *tors to perform internal control reviews and document*
3 *and record reviews of suspect importers.*

4 (9) *ADDITIONAL TRAVEL FUNDS.*—\$250,000 for
5 *deployment of additional textile production*
6 *verification teams to sub-Saharan Africa.*

7 (10) *TRAINING.*—(A) \$75,000 for training of
8 *Customs personnel.*

9 (B) \$200,000 for training for foreign counter-
10 *parts in risk management analytical techniques and*
11 *for teaching factory inspection techniques, model law*
12 *Development, and enforcement techniques.*

13 (11) *OUTREACH.*—\$60,000 for outreach efforts to
14 *United States importers.*

15 **SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND**
16 **OPPORTUNITY ACT**

17 *Of the amount made available for fiscal year 2002*
18 *under section 301(b)(2)(A) of the Customs Procedural Re-*
19 *form and Simplification Act of 1978 (19 U.S.C.*
20 *2075(b)(2)(A)), as amended by section 101(b)(1) of this Act,*
21 *\$1,317,000 shall be available until expended for the Customs*
22 *Service to provide technical assistance to help sub-Saharan*
23 *Africa countries develop and implement effective visa and*
24 *anti-transshipment systems as required by the African*

1 *Growth and Opportunity Act (title I of Public Law 106–*
2 *200), as follows:*

3 (1) *TRAVEL FUNDS.*—\$600,000 for import spe-
4 *cialists, special agents, and other qualified Customs*
5 *personnel to travel to sub-Saharan Africa countries to*
6 *provide technical assistance in developing and imple-*
7 *menting effective visa and anti-transshipment sys-*
8 *tems.*

9 (2) *IMPORT SPECIALISTS.*—\$266,000 for 4 im-
10 *port specialists to be assigned to Customs head-*
11 *quarters to be dedicated to providing technical assist-*
12 *ance to sub-Saharan African countries for developing*
13 *and implementing effective visa and anti-trans-*
14 *shipment systems.*

15 (3) *DATA RECONCILIATION ANALYSTS.*—\$151,000
16 *for 2 data reconciliation analysts to review apparel*
17 *shipments.*

18 (4) *SPECIAL AGENTS.*—\$300,000 for 2 special
19 *agents to be assigned to Customs headquarters to be*
20 *available to provide technical assistance to Sub-Saha-*
21 *ran African countries in the performance of investiga-*
22 *tions and other enforcement initiatives.*

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 Act
6 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 PROJEC-*
21 *TIONS.*—Section 141(g) of the Trade Act of 1974 (19 U.S.C.
22 2171(g)) is amended by adding at the end the following:

23 “(3) By not later than the date on which the President
24 submits to Congress the budget of the United States Govern-
25 ment for a fiscal year, the United States Trade Representa-

1 *tive shall submit to the Committee on Ways and Means of*
 2 *the House of Representatives and the Committee on Finance*
 3 *of the Senate the projected amount of funds for the suc-*
 4 *ceeding fiscal year that will be necessary for the Office to*
 5 *carry out its functions.”.*

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

9 (1) *IN GENERAL.—There is authorized to be ap-*
 10 *propriated such sums as may be necessary for fiscal*
 11 *year 2002 for the salaries and expenses of two addi-*
 12 *tional legislative specialist employee positions within*
 13 *the Office of the Assistant United States Trade Rep-*
 14 *resentative for Congressional Affairs.*

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

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

22 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 “(i) \$51,400,000 for fiscal year 2002.”; and

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

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

4 (b) *SUBMISSION OF OUT-YEAR BUDGET PROJEC-*
5 *TIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C.*
6 *1330(e)(2)) is amended by adding at the end the following:*

7 “(4) *By not later than the date on which the President*
8 *submits to Congress the budget of the United States Govern-*
9 *ment for a fiscal year, the Commission shall submit to the*
10 *Committee on Ways and Means of the House of Representa-*
11 *tives and the Committee on Finance of the Senate the pro-*
12 *jected amount of funds for the succeeding fiscal year that*
13 *will be necessary for the Commission to carry out its func-*
14 *tions.*”.

15 **TITLE IV—OTHER TRADE**
16 **PROVISIONS**

17 **SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES**
18 **EXEMPT FROM DUTY ACQUIRED ABROAD BY**
19 **UNITED STATES RESIDENTS.**

20 (a) *IN GENERAL.—Subheading 9804.00.65 of the Har-*
21 *monized Tariff Schedule of the United States is amended*
22 *in the article description column by striking “\$400” and*
23 *inserting “\$800”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall take effect 90 days after the date of the*
3 *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) *If during the course of any audit con-*
8 *cluded under this subsection, the Customs Service*
9 *identifies overpayments of duties or fees or over-dec-*
10 *larations of quantities or values that are within the*
11 *time period and scope of the audit that the Customs*
12 *Service has defined, then in calculating the loss of*
13 *revenue or monetary penalties under section 592, the*
14 *Customs Service shall treat the overpayments or over-*
15 *declarations on finally liquidated entries as an offset*
16 *to any underpayments or underdeclarations also*
17 *identified on finally liquidated entries if such over-*
18 *payments or over-declarations were not made by the*
19 *person being audited for the purpose of violating any*
20 *provision of law.*

21 “(B) *Nothing in this paragraph shall be con-*
22 *strued to authorize a refund not otherwise authorized*
23 *under section 520.”.*

Union Calendar No. 195

107TH CONGRESS
1ST SESSION

H. R. 3129

[Report No. 107-320]

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.

DECEMBER 5, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed