

108TH CONGRESS
2^D SESSION

H. R. 4418

[Report No. 108-]

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

JULY , 2004

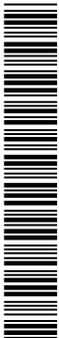
Reported from the Committee on Ways and Means with an amendment

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

[For text of introduced bill, see copy of bill as introduced on May 20, 2004]

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Customs Border Security and Trade Agencies Authoriza-*
6 *tion Act of 2004”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
8 *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; reports.

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

Sec. 104. Report relating to One Face at the Border Initiative.

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 proc-
essing 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 the*
10 *Customs Procedural Reform and Simplification Act of 1978*
11 *(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, 2004, and each*
14 *fiscal year thereafter, there are authorized to be appro-*
15 *priated to the Department of Homeland Security for the*
16 *Bureau of Customs and Border Protection and the Bureau*
17 *of Immigration and Customs Enforcement only such sums*
18 *as may hereafter be authorized by law.”;*

19 *(2) by striking paragraph (2);*

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



1 (4) *in paragraph (2) (as redesignated)*—

2 (A) *by inserting “and the Assistant Sec-*
3 *retary for United States Immigration and Cust-*
4 *oms Enforcement, respectively,” after “Commis-*
5 *sioner of Customs”; and*

6 (B) *by striking “Customs Service” and in-*
7 *serting “Bureau of Customs and Border Protec-*
8 *tion and the Bureau of Immigration and Cust-*
9 *oms Enforcement”.*

10 (b) *SALARIES AND EXPENSES.*—*Subsection (b) of such*
11 *section is amended to read as follows:*

12 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—

13 “(1) *BUREAU OF CUSTOMS AND BORDER PRO-*
14 *TECTION.*—

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

19 “(i) *\$6,203,000,000 for fiscal year*
20 *2005.*

21 “(ii) *\$6,469,729,000 for fiscal year*
22 *2006.*

23 “(B)(i) *The monies authorized to be appro-*
24 *priated under subparagraph (A) with respect to*
25 *customs revenue functions for any fiscal year, ex-*



1 *cept for such sums as may be necessary for the*
2 *salaries and expenses of the Bureau of Customs*
3 *and Border Protection that are incurred in con-*
4 *nection with the processing of merchandise that*
5 *is exempt from the fees imposed under para-*
6 *graphs (9) and (10) of section 13031(a) of the*
7 *Consolidated Omnibus Budget Reconciliation Act*
8 *of 1985 (19 U.S.C. 58c(a)), shall be appropriated*
9 *from the Customs User Fee Account.*

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

12 *“(I) Assessing and collecting customs*
13 *duties (including antidumping and counter-*
14 *vailing duties and duties imposed under*
15 *safeguard provisions), excise taxes, fees, and*
16 *penalties due on imported merchandise, in-*
17 *cluding classifying and valuing merchan-*
18 *dise for the purposes of such assessment.*

19 *“(II) Processing and denial of entry of*
20 *persons, baggage, cargo, and mail, with re-*
21 *spect to the assessment and collection of im-*
22 *port duties.*

23 *“(III) Detecting and apprehending*
24 *persons engaged in fraudulent practices de-*



1 *signed to circumvent the customs laws of the*
2 *United States.*

3 “*(IV) Enforcing section 337 of the Tar-*
4 *iff Act of 1930 and provisions relating to*
5 *import quotas and the marking of imported*
6 *merchandise, and providing Customs*
7 *Recordations for copyrights, patents, and*
8 *trademarks.*

9 “*(V) Collecting accurate import data*
10 *for compilation of international trade sta-*
11 *tistics.*

12 “*(VI) Enforcing reciprocal trade agree-*
13 *ments.*

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



1 “(VIII) *Functions performed by the*
2 *following offices, with respect to any func-*
3 *tion described in any of subclauses (I)*
4 *through (VII), and associated support staff,*
5 *of the United States Customs Service prior*
6 *to the establishment of the Bureau of Cus-*
7 *toms and Border Protection: the Office of*
8 *Information and Technology, the Office of*
9 *Laboratory Services, the Office of the Chief*
10 *Counsel, the Office of Congressional Affairs,*
11 *the Office of International Affairs, and the*
12 *Office of Training and Development.*

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

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

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

20 **SEC. 102. ESTABLISHMENT AND IMPLEMENTATION OF COST**
21 **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 follows:*



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 30,*
6 *2005, the Commissioner of Customs shall, in accord-*
7 *ance with the audit of the Customs Service’s fiscal*
8 *years 2000 and 1999 financial statements (as con-*
9 *tained in the report of the Office of Inspector General*
10 *of the Department of the Treasury issued on February*
11 *23, 2001), establish and implement a cost accounting*
12 *system—*

13 *“(A) for expenses incurred in both commer-*
14 *cial and noncommercial operations of the Bu-*
15 *reau of Customs and Border Protection of the*
16 *Department of Homeland Security, which system*
17 *should specifically identify and distinguish ex-*
18 *penses incurred in commercial operations and*
19 *expenses incurred in noncommercial operations;*
20 *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 pro-*
6 *vide for an identification of expenses based on the*
7 *type of operation, the port at which the operation*
8 *took place, the amount of time spent on the operation*
9 *by personnel of the Bureau of Customs and Border*
10 *Protection, and an identification of expenses based on*
11 *any other appropriate classification necessary to pro-*
12 *vide for an accurate and complete accounting of ex-*
13 *penses.*

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

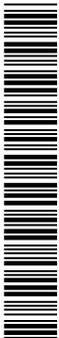
16 “(1) *IN GENERAL.—Not later than September 30,*
17 *2005, the Assistant Secretary for United States Immi-*
18 *gration and Customs Enforcement shall, in accord-*
19 *ance with the audit of the Customs Service’s fiscal*
20 *years 2000 and 1999 financial statements (as con-*
21 *tained in the report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



1 “(A) for expenses incurred in both commer-
2 cial and noncommercial operations of the Bu-
3 reau of Immigration and Customs Enforcement
4 of the Department of Homeland Security, which
5 system should specifically identify and distin-
6 guish expenses incurred in commercial oper-
7 ations and expenses incurred in noncommercial
8 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 pro-
20 vide for an identification of expenses based on the
21 type of operation, the amount of time spent on the op-
22 eration by personnel of the Bureau of Immigration
23 and Customs Enforcement, and an identification of
24 expenses based on any other appropriate classification

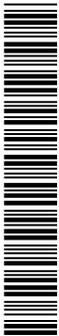


1 *necessary to provide for an accurate and complete ac-*
2 *counting of expenses.*

3 “(c) *REPORTS.*—

4 “(1) *DEVELOPMENT OF THE COST ACCOUNTING*
5 *SYSTEMS.*—*Beginning on the date of the enactment of*
6 *the Customs Border Security and Trade Agencies Au-*
7 *thorization Act of 2004 and ending on the date on*
8 *which the cost accounting systems described in sub-*
9 *sections (a) and (b) are fully implemented, the Com-*
10 *missioner of Customs and the Assistant Secretary for*
11 *United States Immigration and Customs Enforce-*
12 *ment, respectively, shall prepare and submit to Con-*
13 *gress on a quarterly basis a report on the progress of*
14 *implementing the cost accounting systems pursuant to*
15 *subsections (a) and (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 Assist-*
20 *ant Secretary for United States Immigration and*
21 *Customs Enforcement, respectively, shall prepare and*
22 *submit to Congress on an annual basis a report*
23 *itemizing the expenses identified in subsections (a)*
24 *and (b).*

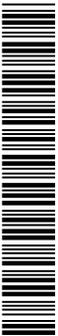


1 “(3) *OFFICE OF THE INSPECTOR GENERAL.*—Not
2 *later than March 31, 2006, the Inspector General of*
3 *the Department of Homeland Security shall prepare*
4 *and submit to Congress a report analyzing the level*
5 *of compliance with this section and detailing any ad-*
6 *ditional steps that should be taken to improve compli-*
7 *ance 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 334*
12 *of the Customs and Border Security Act of 2002 (as amend-*
13 *ed by section 102 of this Act) are fully implemented, the*
14 *Comptroller General shall conduct a study on the extent to*
15 *which the amount of each customs user fee imposed under*
16 *section 13031(a) of the Consolidated Omnibus Budget Rec-*
17 *onciliation Act of 1985 (19 U.S.C. 58c(a)) approximates*
18 *the cost of services provided by the Bureau of Customs and*
19 *Border Protection of the Department of Homeland Security*
20 *relating to the fee so imposed. The study shall include an*
21 *analysis of the use of each such customs user fee by the Bu-*
22 *reau of Customs and Border Protection.*

23 (b) *REPORT.*—Not later than one year after the date
24 *on which the cost accounting systems described in section*
25 *334 of the Customs and Border Security Act of 2002 are*



1 *fully implemented, the Comptroller General shall submit to*
2 *the Committee on Ways and Means of the House of Rep-*
3 *resentatives and the Committee on Finance of the Senate*
4 *a report in classified form containing—*

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

7 *(2) recommendations for the appropriate amount*
8 *of the customs user fees if such results indicate that*
9 *the fees are not commensurate with the level of serv-*
10 *ices provided by the Bureau of Customs and Border*
11 *Protection.*

12 **SEC. 104. REPORT RELATING TO ONE FACE AT THE BORDER**
13 **INITIATIVE.**

14 *Not later than September 30 of each of the calendar*
15 *years 2005 and 2006, the Commissioner of Customs shall*
16 *prepare and submit to Congress a report—*

17 *(1) analyzing the effectiveness of the One Face at*
18 *the Border Initiative at enhancing security and fa-*
19 *cilitating trade;*

20 *(2) providing a breakdown of the number of per-*
21 *sonnel of the Bureau of Customs and Border Protec-*
22 *tion that were personnel of the United States Customs*
23 *Service prior to the establishment of the Department*
24 *of Homeland Security, that were personnel of the Im-*
25 *migration and Naturalization Service prior to the es-*



1 *tablishment of the Department of Homeland Security,*
2 *and that were hired after the establishment of the De-*
3 *partment of Homeland Security;*

4 *(3) describing the training time provided to each*
5 *employee on an annual basis for the various training*
6 *components of the One Face at the Border Initiative;*
7 *and*

8 *(4) outlining the steps taken by the Bureau of*
9 *Customs and Border Protection to ensure that exper-*
10 *tise is retained with respect to customs, immigration,*
11 *and agriculture inspection functions under the One*
12 *Face at the Border Initiative.*

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 the*
17 *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. 1504)
14 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 fol-
22 lowing:

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



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

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

5 **SEC. 113. PROTESTS.**

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

8 (1) *in subsection (a)—*

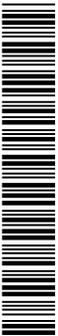
9 (A) *in the matter preceding paragraph (1),*
10 *by striking “(relating to refunds and errors) of*
11 *this Act” and inserting “(relating to refunds,*
12 *any clerical error, mistake of fact, or other inad-*
13 *vertence, whether or not resulting from or con-*
14 *tained in an electronic transmission, adverse to*
15 *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 “thereof”;*
20 *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,”; and

4 (B) in paragraph (3)—

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

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

10 (iii) in the second sentence, by striking
11 “90 days” and inserting “180 days” .

12 **SEC. 114. REVIEW OF PROTESTS.**

13 Section 515(b) of the Tariff Act of 1930 (19 U.S.C
14 1515(b)) is amended in the first sentence by striking “after
15 ninety days” and inserting “concurrent with or”.

16 **SEC. 115. REFUNDS AND ERRORS.**

17 Section 520(c) of the Tariff Act of 1930 (19 U.S.C
18 1520(c)) is repealed.

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

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

22 “(t) **RECONFIGURED ENTRY.**—The term ‘reconfigured
23 entry’ means an entry filed on an import activity summary
24 statement which substitutes for all or part of 1 or more en-
25 tries filed under section 484(a)(1)(A) or filed on a reconcili-



1 *ation entry that aggregates the entry elements to be rec-*
2 *onciled under section 484(b) for purposes of liquidation, re-*
3 *liquidation, or protest.”.*

4 **SEC. 117. VOLUNTARY RELIQUIDATIONS.**

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

8 **SEC. 118. EFFECTIVE DATE.**

9 *The amendments made by this subtitle shall apply to*
10 *merchandise entered, or withdrawn from warehouse for con-*
11 *sumption, on or after the 15th day after the date of the*
12 *enactment of this Act.*

13 ***Subtitle C—Miscellaneous***
14 ***Provisions***

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

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

22 *(b) EFFECTIVE DATE.—The amendment made by sub-*
23 *section (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 findings:

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

9 (2) *One concern that has come to light is the vul-*
10 *nerability of the international bridges and tunnels*
11 *along the United States borders.*

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

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

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

24 (1) *IN GENERAL.*—*The Commissioner of the Cus-*
25 *tom Service, in consultation with the Canadian Cus-*
26 *tom and Revenue Agency (CCRA), shall seek to es-*

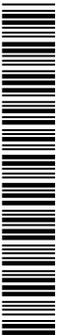


1 *tablish Integrated Border Inspection Areas (IBIAs),*
2 *such as areas on either side of the United States-Can-*
3 *ada border, in which United States Customs officers*
4 *can inspect vehicles entering the United States from*
5 *Canada before they enter the United States, or Cana-*
6 *dian Customs officers can inspect vehicles entering*
7 *Canada from the United States before they enter Can-*
8 *ada. Such inspections may include, where appro-*
9 *prate, employment of reverse inspection techniques.*

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

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

21 (A) *locate Integrated Border Inspection*
22 *Areas in areas with bridges or tunnels with high*
23 *traffic volume, significant commercial activity,*
24 *and that have experienced backups and delays*
25 *since September 11, 2001;*



1 (B) ensure that United States Customs offi-
2 cers stationed in any such IBIA on the Cana-
3 dian side of the border are vested with the max-
4 imum authority to carry out their duties and en-
5 force United States law;

6 (C) ensure that United States Customs offi-
7 cers stationed in any such IBIA on the Cana-
8 dian side of the border shall possess the same im-
9 munity that they would possess if they were sta-
10 tioned in the United States; and

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

17 **SEC. 123. DESIGNATION OF FOREIGN LAW ENFORCEMENT**
18 **OFFICERS.**

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

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



1 (1) *in subsection (a), by inserting “, or subse-*
2 *quent to their exit from,” after “prior to their arrival*
3 *in”;*

4 (2) *in subsection (c)—*

5 (A) *by inserting “or exportation” after “re-*
6 *lating to the importation”;* and

7 (B) *by inserting “or exit” after “port of*
8 *entry”;*

9 (3) *by amending subsection (e) to read as fol-*
10 *lows:*

11 “(e) *STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE*
12 *CULTURE INSPECTION OFFICERS IN THE UNITED*
13 *STATES.—The Secretary of State, in coordination with the*
14 *Secretary and the Secretary of Agriculture, may enter into*
15 *agreements with any foreign country authorizing the sta-*
16 *tioning in the United States of customs and agriculture in-*
17 *spection officials of that country (if similar privileges are*
18 *extended by that country to United States officials) for the*
19 *purpose of insuring that persons and merchandise going di-*
20 *rectly to that country from the United States, or that have*
21 *gone directly from that country to the United States, com-*
22 *ply with the customs and other laws of that country gov-*
23 *erning the importation or exportation of merchandise. Any*
24 *foreign customs or agriculture inspection official stationed*
25 *in the United States under this subsection may exercise*



1 *such functions, perform such duties, and enjoy such privi-*
2 *leges and immunities as United States officials may be au-*
3 *thorized to perform or are afforded in that foreign country*
4 *by treaty, agreement, or law.”; and*

5 *(4) by adding at the end the following:*

6 *“(g) PRIVILEGES AND IMMUNITIES.—Any person des-*
7 *ignated to perform the duties of an officer of the Customs*
8 *Service pursuant to section 401(i) of this Act shall be enti-*
9 *tled to the same privileges and immunities as an officer*
10 *of the Customs Service with respect to any actions taken*
11 *by the designated person in the performance of such du-*
12 *ties.”.*

13 *(c) CONFORMING AMENDMENT.—Section 127 of the*
14 *Treasury Department Appropriations Act, 2003, is hereby*
15 *repealed.*

16 *(d) EFFECTIVE DATE.—This section, and the amend-*
17 *ments made by this section, take effect on the date of the*
18 *enactment of this Act.*

19 **SEC. 124. CUSTOMS SERVICES.**

20 *Section 13031(e)(1) of the Consolidated Omnibus*
21 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1) is*
22 *amended—*

23 *(1) by striking “(1) Notwithstanding section 451*
24 *of the Tariff Act of 1930 (19 U.S.C. 1451) or any*



1 *other provision of law (other than paragraph (2)),”*
2 *and inserting:*

3 *“(1) IN GENERAL.—*

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

10 *“(B) CHARTER FLIGHTS.—If a charter air*
11 *carrier (as defined in section 40102(13) of title*
12 *49, United States Code) specifically requests that*
13 *customs border patrol services for passengers and*
14 *their baggage be provided for a charter flight ar-*
15 *riving after normal operating hours at a customs*
16 *border patrol serviced airport and overtime*
17 *funds for those services are not available, the ap-*
18 *propriate customs border patrol officer may as-*
19 *sign sufficient customs employees (if available)*
20 *to perform any such services, which could law-*
21 *fully be performed during regular hours of oper-*
22 *ation, and any overtime fees incurred in connec-*
23 *tion with such service shall be paid by the char-*
24 *ter air carrier.”.*



1 **SEC. 125. SENSE OF CONGRESS ON INTERPRETATION OF**
2 **TEXTILE AND APPAREL PROVISIONS.**

3 *It is the sense of Congress that the Bureau of Customs*
4 *and Border Protection of the Department of Homeland Se-*
5 *curity should interpret, implement, and enforce the provi-*
6 *sions of section 112 of the African Growth and Opportunity*
7 *Act (19 U.S.C. 3721), section 204 of the Andean Trade Pref-*
8 *erence Act (19 U.S.C. 3203), and section 213 of the Carib-*
9 *bean Basin Economic Recovery Act (19 U.S.C. 2703), relat-*
10 *ing to preferential treatment of textile and apparel articles,*
11 *broadly in order to expand trade by maximizing opportuni-*
12 *ties for imports of such articles from eligible beneficiary*
13 *countries.*

14 **SEC. 126. TECHNICAL AMENDMENTS.**

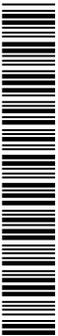
15 *(a) TARIFF ACT OF 1930.—Section 505(a) of the Tariff*
16 *Act of 1930 is amended—*

17 *(1) in the first sentence—*

18 *(A) by inserting “referred to in this sub-*
19 *section” after “periodic payment”; and*

20 *(B) by striking “10 working days” and in-*
21 *serting “12 working days”; and*

22 *(2) in the second sentence, by striking “a partici-*
23 *parting” and all that follows through the end of the*
24 *sentence and inserting the following: “the Secretary*
25 *shall promulgate regulations, after testing the module,*
26 *permitting a participating importer of record to de-*



1 *posit estimated duties and fees for entries of merchan-*
2 *dise, other than merchandise entered for warehouse,*
3 *transportation, or under bond, no later than the 15*
4 *working days following the month in which the mer-*
5 *chandise is entered or released, whichever comes*
6 *first.”.*

7 *(b) CUSTOMS USER FEES.—(1) Section*
8 *13031(b)(9)(A) of the Consolidated Omnibus Budget Rec-*
9 *onciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended*
10 *by striking “less than \$2,000” and inserting “\$2,000 or*
11 *less”.*

12 *(2) Section 13031(b)(9)(A)(ii) of the Consolidated Om-*
13 *nibus Budget Reconciliation Act of 1985 (19 U.S.C.*
14 *58c(b)(9)(A)(ii)) is amended to read as follows:*

15 *“(i) Notwithstanding subsection (e)(6) and sub-*
16 *ject to the provisions of subparagraph (B), in the case*
17 *of an express consignment carrier facility or central-*
18 *ized hub facility—*

19 *“(I) \$.66 per individual airway bill or bill*
20 *of lading; and*

21 *“(II) if the merchandise is formally entered,*
22 *the fee provided for in subsection (a)(9), if appli-*
23 *cable.”.*



1 (3) *Section 13031(b)(9)(B) of the Consolidated Omni-*
2 *bus Budget Reconciliation Act of 1985 (19 U.S.C.*
3 *58c(b)(9)(B)) is amended—*

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

6 (B) *in clause (ii), by striking “subparagraph*
7 *(A)(ii)” and inserting “subparagraph (A)(ii) (I) or*
8 *(II)”.*

9 (4) *Section 13031(f)(1)(B) of the Consolidated Omni-*
10 *bus Budget Reconciliation Act of 1985 (19 U.S.C.*
11 *58c(f)(1)(B)) is amended by moving the subparagraph 2*
12 *ems to the left.*

13 **TITLE II—OFFICE OF THE**
14 **UNITED STATES TRADE REP-**
15 **RESENTATIVE**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

18 (1) *IN GENERAL.—Section 141(g)(1)(A) of the*
19 *Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is*
20 *amended by striking clauses (i) and (ii) and inserting*
21 *the following:*

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

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

24 (2) *RULE OF CONSTRUCTION.—The amendment*
25 *made by paragraph (1) shall not be construed to af-*



1 *fect the availability of funds appropriated pursuant*
2 *to section 141(g)(1)(A) of the Trade Act of 1974 before*
3 *the date of the enactment of this Act.*

4 *(b) AUTHORIZATION OF APPROPRIATIONS FOR THE*
5 *OFFICE OF THE GENERAL COUNSEL AND THE OFFICE OF*
6 *MONITORING AND ENFORCEMENT.—There are authorized to*
7 *be appropriated to the Office of the United States Trade*
8 *Representative for the appointment of additional staff in*
9 *the Office of the General Counsel and the Office of Moni-*
10 *toring and Enforcement—*

11 *(1) \$2,000,000 for fiscal year 2005; and*

12 *(2) \$2,000,000 for fiscal year 2006.*

13 **TITLE III—UNITED STATES**
14 **INTERNATIONAL TRADE COM-**
15 **MISSION**

16 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

17 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*
18 *330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C.*
19 *1330(e)(2)(A)) is amended by striking clauses (i) and (ii)*
20 *and inserting the following:*

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

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

23 *(b) RULE OF CONSTRUCTION.—The amendment made*
24 *by subsection (a) shall not be construed to affect the avail-*
25 *ability of funds appropriated pursuant to section*



1 *330(e)(2)(A) of the Tariff Act of 1930 before the date of the*
2 *enactment of this Act.*

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