

107TH CONGRESS  
1ST SESSION

# S. 884

To improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve port-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 15, 2001

Mr. DOMENICI (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve port-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, 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 “Southwest Border  
5       Port-of-Entry Infrastructure Improvement Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) AGREEMENT.—The term “Agreement”  
2 means the Agreement Between the Government of  
3 the United States of America and the Government  
4 of the United Mexican States Concerning the Estab-  
5 lishment of a Border Environment Cooperation  
6 Commission and a North American Development  
7 Bank, done at Washington and Mexico City Novem-  
8 ber 16 and 18, 1993 (TIAS 12516).

9           (2) BORDER ENVIRONMENT COOPERATION COM-  
10 MISSION.—The term “Border Environmental Co-  
11 operation Commission” means the commission estab-  
12 lished in chapter I of the Agreement.

13           (3) COMMISSIONER.—The term “Commis-  
14 sioner” means the Commissioner of Customs.

15           (4) NORTH AMERICAN DEVELOPMENT BANK.—  
16 The term “North American Development Bank”  
17 means the bank established in chapter II of the  
18 Agreement.

19           (5) SOUTHWEST BORDER.—The term “South-  
20 west border” has the same meaning given the term  
21 “border region” in article V of chapter III of the  
22 Agreement.

1 **TITLE I—UNITED STATES**  
2 **SOUTHWEST BORDER INFRA-**  
3 **STRUCTURE IMPROVEMENT**  
4 **PROJECTS**

5 **SEC. 101. UNITED STATES INFRASTRUCTURE PROJECTS.**

6 (a) UPDATE AND DEVELOPMENT OF PRIORITIES.—

7 (1) IN GENERAL.—The Commissioner of Cus-  
8 toms, in consultation with the Secretary of Agri-  
9 culture and the Commissioner of Immigration and  
10 Naturalization, shall, not later than 6 months after  
11 the date of enactment of this Act, update the Ports  
12 of Entry Infrastructure Assessment Study submitted  
13 by the Customs Service pursuant to Public Law  
14 106-58 (commonly known as the “Treasury and  
15 General Government Appropriations Act, 2000”)  
16 (113 Stat. 430), and develop priorities for port-of-  
17 entry infrastructure improvement projects in the  
18 United States along the Southwest border.

19 (2) CRITERIA.—The Commissioner shall update  
20 the Study and develop priorities for projects under  
21 paragraph (1) based on the positive impact that  
22 completion of a project will have on facilitating trade  
23 across the Southwest border.

24 (3) PORT TO FEDERAL HIGHWAY CONNEC-  
25 TIONS.—The update and priorities developed under

1 paragraph (1) may include port to Federal highway  
2 connections in the United States.

3 (4) PUBLICATION AND OPPORTUNITY TO COM-  
4 MENT.—Prior to finalizing the update and the pri-  
5 ority of projects under paragraph (1), the Commis-  
6 sioner shall publish the proposed update and prior-  
7 ities in the Federal Register and provide an oppor-  
8 tunity for public comment.

9 (b) EFFECT OF PRIORITIZATION.—

10 (1) IN GENERAL.—The Commissioner shall im-  
11 plement port-of-entry infrastructure improvement  
12 projects in the United States along the Southwest  
13 border in accordance with the priority of projects de-  
14 veloped through the update.

15 (2) DIVERGENCE FROM PRIORITIES.—The  
16 Commissioner may diverge from the priorities devel-  
17 oped through the update if the Commissioner finds  
18 that significantly changed circumstances, such as  
19 changes in infrastructure in Mexico, compellingly  
20 alter the need for a project in the United States.

21 (c) USE OF LOCAL BUSINESSES.—Every effort shall  
22 be made to use local businesses to carry out projects under  
23 this title.

1 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated  
3 \$100,000,000 for each of fiscal years 2002 through 2006,  
4 and such other sums as may be necessary in any suc-  
5 ceeding fiscal year, to carry out the provisions of this title.

6 **TITLE II—SOUTHWEST BORDER**  
7 **INFRASTRUCTURE INCEN-**  
8 **TIVE INITIATIVE**

9 **SEC. 201. SOUTHWEST BORDER INFRASTRUCTURE FUND.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—There is established in the  
12 Department of Transportation a fund known as the  
13 “Southwest Border Infrastructure Fund” (in this  
14 title referred to as the “Fund”) which shall consist  
15 of such sums as may be available in appropriations  
16 Acts.

17 (2) PURPOSE.—The purpose of the Fund shall  
18 be to award grants under section 202.

19 (b) CONSULTATION.—In establishing the Fund, the  
20 Secretary of Transportation shall consult with the Admin-  
21 istrator of the Environmental Protection Agency, and may  
22 use the Border Environment Infrastructure Fund of the  
23 North American Development Bank as a model.

1 **SEC. 202. SOUTHWEST BORDER INFRASTRUCTURE IM-**  
2 **PROVEMENT GRANTS.**

3 (a) PROGRAM AUTHORIZED.—The Secretary of  
4 Transportation is authorized to make grants from the  
5 Fund to an eligible applicant through the North American  
6 Development Bank to pay the United States contribution  
7 of the costs of projects described in subsection (b).

8 (b) AUTHORIZED ACTIVITIES.—

9 (1) IN GENERAL.—A project described in this  
10 subsection means a project to develop the physical  
11 port-of-entry infrastructure along the Southwest bor-  
12 der in order to reduce the negative environmental  
13 impact, particularly with respect to air, soil, and  
14 water quality, associated with cross-border transpor-  
15 tation.

16 (2) SCOPE.—A project includes any activity as-  
17 sociated with the financing, design, development,  
18 construction, and transition necessary to bring a  
19 port-of-entry infrastructure project described in  
20 paragraph (1) to completion.

21 (c) ELIGIBILITY.—For the purposes of this title, an  
22 eligible applicant is an entity certified as eligible for  
23 project financing by the Border Environmental Coopera-  
24 tion Commission.

25 (d) LIMITATION.—A grant awarded under subsection  
26 (a) may not exceed \$25,000,000.

1 **SEC. 203. APPLICATION.**

2 An entity that desires to receive a grant under this  
3 title shall submit an application through the Border Envi-  
4 ronmental Cooperation Commission to the Secretary of  
5 Transportation at a time, in a manner, and accompanied  
6 by information as the Secretary may reasonably require.

7 **SEC. 204. MATCHING REQUIREMENT.**

8 The Secretary of Transportation may not award a  
9 grant under section 202 unless the eligible applicant pro-  
10 vides assurances that, with respect to the costs to be in-  
11 curred in carrying out the project for which the grant is  
12 awarded, the eligible applicant will have available (directly  
13 or through funding from public or private entities) con-  
14 tributions in an amount equal to not less than \$1 for every  
15 \$1 of United States Government funds provided under the  
16 grant.

17 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the De-  
19 partment of Transportation \$75,000,000 for fiscal year  
20 2002, and such other sums as may be necessary for each  
21 of the fiscal years 2003 through 2006, to carry out the  
22 provisions of this title.

1 **TITLE III—PORT-OF-ENTRY**  
2 **TECHNOLOGY DEMONSTRA-**  
3 **TION PROGRAM**

4 **SEC. 301. ESTABLISHMENT OF PORT-OF-ENTRY TECH-**  
5 **NOLOGY DEMONSTRATION PROGRAM.**

6 (a) IN GENERAL.—The Secretary of the Treasury,  
7 acting through the Commissioner of Customs, shall estab-  
8 lish a port-of-entry demonstration site to carry out the  
9 port-of-entry technology demonstration program described  
10 in section 302.

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

19 (1) have been established not more than 5 years  
20 before the date of enactment of this Act;

21 (2) consist of not less than 67 acres, with the  
22 possibility of expansion onto not less than 33 adja-  
23 cent acres; and



1 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the De-  
3 partment of the Treasury \$10,000,000 for fiscal year  
4 2002, and such other sums as may be necessary for each  
5 of the fiscal years 2003 through 2006, to carry out the  
6 provisions of this title.

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