

108TH CONGRESS
2^D SESSION

H. R. 4418

IN THE SENATE OF THE UNITED STATES

JULY 15, 2004

Received; read twice and referred to the Committee on Finance

AN ACT

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
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

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

Subtitle A—Authorization of appropriations; related provisions

Sec. 101. Authorization of appropriations.

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

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

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
10 the Customs Procedural Reform and Simplification Act of
11 1978 (19 U.S.C. 2075) is amended—

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

13 “(1) For the fiscal year beginning October 1, 2004, and
14 each fiscal year thereafter, there are authorized to be ap-
15 propriated to the Department of Homeland Security for
16 the Bureau of Customs and Border Protection and the
17 Bureau of Immigration and Customs Enforcement only
18 such sums 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

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

1 (A) by inserting “and the Assistant Sec-
2 retary for United States Immigration and Cus-
3 toms Enforcement, respectively,” after “Com-
4 missioner of Customs”; and

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

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

11 “(b) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

22 “(B)(i) The monies authorized to be ap-
23 propriated under subparagraph (A) with respect
24 to customs revenue functions for any fiscal
25 year, except for such sums as may be necessary

1 for the salaries and expenses of the Bureau of
2 Customs and Border Protection that are in-
3 curred in connection with the processing of
4 merchandise that is exempt from the fees im-
5 posed under paragraphs (9) and (10) of section
6 13031(a) of the Consolidated Omnibus Budget
7 Reconciliation Act of 1985 (19 U.S.C. 58c(a)),
8 shall be appropriated from the Customs User
9 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,
16 and penalties due on imported merchan-
17 dise, including classifying and valuing mer-
18 chandise for the purposes of such assess-
19 ment.

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

24 “(III) Detecting and apprehending
25 persons engaged in fraudulent practices

1 designed to circumvent the customs laws of
2 the United States.

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

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

12 “(VI) Enforcing reciprocal trade
13 agreements.

14 “(VII) Functions performed by the
15 following 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
22 of the Office of Regulations and Rulings,
23 Customs Auditors, International Trade
24 Specialists, and Financial System Special-
25 ists.

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
5 staff, of the United States Customs Service
6 prior to the establishment of the Bureau of
7 Customs and Border Protection: the Office
8 of Information and Technology, the Office
9 of Laboratory Services, the Office of the
10 Chief Counsel, the Office of Congressional
11 Affairs, the Office of International Affairs,
12 and the Office of Training and Develop-
13 ment.

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

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

20 “(B) \$4,335,891,000 for fiscal year
21 2006.”.

1 **SEC. 102. ESTABLISHMENT AND IMPLEMENTATION OF**
2 **COST ACCOUNTING SYSTEM; REPORTS.**

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

6 **“SEC. 334. ESTABLISHMENT AND IMPLEMENTATION OF**
7 **COST ACCOUNTING SYSTEM; REPORTS.**

8 **“(a) ESTABLISHMENT AND IMPLEMENTATION; CUS-**
9 **TOMS AND BORDER PROTECTION.—**

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

18 **“(A)** for expenses incurred in both com-
19 mercial and noncommercial operations of the
20 Bureau of Customs and Border Protection of
21 the Department of Homeland Security, which
22 system should specifically identify and distin-
23 guish expenses incurred in commercial oper-
24 ations and expenses incurred in noncommercial
25 operations; and

1 “(B) for expenses incurred both in admin-
2 istering and enforcing the customs laws of the
3 United States and the Federal immigration
4 laws, which system should specifically identify
5 and distinguish expenses incurred in admin-
6 istering and enforcing the customs laws of the
7 United States and the expenses incurred in ad-
8 ministering and enforcing the Federal immigra-
9 tion laws.

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

20 “(b) ESTABLISHMENT AND IMPLEMENTATION; IMMI-
21 GRATION AND CUSTOMS ENFORCEMENT.—

22 “(1) IN GENERAL.—Not later than September
23 30, 2005, the Assistant Secretary for United States
24 Immigration and Customs Enforcement shall, in ac-
25 cordance with the audit of the Customs Service’s fis-

1 cal years 2000 and 1999 financial statements (as
2 contained in the report of the Office of Inspector
3 General of the Department of the Treasury issued
4 on February 23, 2001), establish and implement a
5 cost accounting system—

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

14 “(B) for expenses incurred both in admin-
15 istering and enforcing the customs laws of the
16 United States and the Federal immigration
17 laws, which system should specifically identify
18 and distinguish expenses incurred in admin-
19 istering and enforcing the customs laws of the
20 United States and the expenses incurred in ad-
21 ministering and enforcing the Federal immigra-
22 tion laws.

23 “(2) ADDITIONAL REQUIREMENT.—The cost ac-
24 counting system described in paragraph (1) shall
25 provide for an identification of expenses based on

1 the type of operation, the amount of time spent on
2 the operation by personnel of the Bureau of Immi-
3 gration and Customs Enforcement, and an identi-
4 fication of expenses based on any other appropriate
5 classification necessary to provide for an accurate
6 and complete accounting of expenses.

7 “(c) REPORTS.—

8 “(1) DEVELOPMENT OF THE COST ACCOUNTING
9 SYSTEMS.—Beginning on the date of the enactment
10 of the Customs Border Security and Trade Agencies
11 Authorization Act of 2004 and ending on the date
12 on which the cost accounting systems described in
13 subsections (a) and (b) are fully implemented, the
14 Commissioner of Customs and the Assistant Sec-
15 retary for United States Immigration and Customs
16 Enforcement, respectively, shall prepare and submit
17 to Congress on a quarterly basis a report on the
18 progress of implementing the cost accounting sys-
19 tems pursuant to subsections (a) and (b).

20 “(2) ANNUAL REPORTS.—Beginning one year
21 after the date on which the cost accounting systems
22 described in subsections (a) and (b) are fully imple-
23 mented, the Commissioner of Customs and the As-
24 sistant Secretary for United States Immigration and
25 Customs Enforcement, respectively, shall prepare

1 and submit to Congress on an annual basis a report
2 itemizing the expenses identified in subsections (a)
3 and (b).

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

11 **SEC. 103. STUDY AND REPORT RELATING TO CUSTOMS**

12 **USER FEES.**

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

1 customs user fee by the Bureau of Customs and Border
2 Protection.

3 (b) REPORT.—Not later than one year after the date
4 on which the cost accounting systems described in section
5 334 of the Customs and Border Security Act of 2002 are
6 fully implemented, the Comptroller General shall submit
7 to the Committee on Ways and Means of the House of
8 Representatives and the Committee on Finance of the
9 Senate a report in classified form containing—

10 (1) the results of the study conducted under
11 subsection (a); and

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

17 **SEC. 104. REPORT RELATING TO ONE FACE AT THE BOR-**
18 **DER INITIATIVE.**

19 Not later than September 30 of each of the calendar
20 years 2005 and 2006, the Commissioner of Customs shall
21 prepare and submit to Congress a report—

22 (1) analyzing the effectiveness of the One Face
23 at the Border Initiative at enhancing security and
24 facilitating trade;

1 (2) providing a breakdown of the number of
2 personnel of the Bureau of Customs and Border
3 Protection that were personnel of the United States
4 Customs Service prior to the establishment of the
5 Department of Homeland Security, that were per-
6 sonnel of the Immigration and Naturalization Serv-
7 ice prior to the establishment of the Department of
8 Homeland Security, and that were hired after the
9 establishment of the Department of Homeland Secu-
10 rity;

11 (3) describing the training time provided to
12 each employee on an annual basis for the various
13 training components of the One Face at the Border
14 Initiative; and

15 (4) outlining the steps taken by the Bureau of
16 Customs and Border Protection to ensure that ex-
17 pertise is retained with respect to customs, immigra-
18 tion, and agriculture inspection functions under the
19 One Face at the Border Initiative.

20 **Subtitle B—Technical Amendments**
21 **Relating to Entry and Protest**

22 **SEC. 111. ENTRY OF MERCHANDISE.**

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

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

5 (2) in paragraph (2)(A)—

6 (A) in the second sentence, by inserting
7 after “statements,” the following: “and permit
8 the filing of reconfigured entries,”; and

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

10 “Entries filed under paragraph (1)(A) shall not
11 be liquidated if covered by an import activity
12 summary statement, but instead each reconfig-
13 ured entry in the import activity summary
14 statement shall be subject to liquidation or re-
15 liquidation pursuant to section 500, 501, or
16 504.”.

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

20 **SEC. 112. LIMITATION ON LIQUIDATIONS.**

21 Section 504 of the Tariff Act of 1930 (19 U.S.C.
22 1504) is amended—

23 (1) in subsection (a)—

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

1 (B) in paragraph (4), by striking “filed;”
2 and inserting “filed, whichever is earlier; or”;
3 and

4 (C) by inserting after paragraph (4) the
5 following:

6 “(5) if a reconfigured entry is filed under an
7 import activity summary statement, the date the im-
8 port activity summary statement is filed or should
9 have been filed, whichever is earlier;” and

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

12 **SEC. 113. PROTESTS.**

13 Section 514 of the Tariff Act of 1930 (19 U.S.C.
14 1514) is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph (1),
17 by striking “(relating to refunds and errors) of
18 this Act” and inserting “(relating to refunds),
19 any clerical error, mistake of fact, or other in-
20 advertence, whether or not resulting from or
21 contained in an electronic transmission, adverse
22 to the importer, in any entry, liquidation, or re-
23 liquidation, and”;

24 (B) in paragraph (5), by inserting “, in-
25 cluding the liquidation of an entry, pursuant to

1 either section 500 or section 504” after “there-
2 of”; and

3 (C) in paragraph (7), by striking “(c) or”;
4 and
5 (2) in subsection (c)—

6 (A) in paragraph (1), in the sixth sentence,
7 by striking “A protest may be amended,” and
8 inserting “Unless a request for accelerated dis-
9 position is filed under section 515(b), a protest
10 may be amended,”; and

11 (B) in paragraph (3)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “ninety days” and
14 inserting “180 days”;

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

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

19 **SEC. 114. REVIEW OF PROTESTS.**

20 Section 515(b) of the Tariff Act of 1930 (19 U.S.C.
21 1515(b)) is amended in the first sentence by striking
22 “after ninety days” and inserting “concurrent with or”.

23 **SEC. 115. REFUNDS AND ERRORS.**

24 Section 520(c) of the Tariff Act of 1930 (19 U.S.C.
25 1520(c)) is repealed.

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

2 Section 401 of the Tariff Act of 1930 (19 U.S.C.
3 1401) is amended by adding at the end the following:

4 “(t) RECONFIGURED ENTRY.—The term ‘reconfig-
5 ured entry’ means an entry filed on an import activity
6 summary statement which substitutes for all or part of
7 1 or more entries filed under section 484(a)(1)(A) or filed
8 on a reconciliation entry that aggregates the entry ele-
9 ments to be reconciled under section 484(b) for purposes
10 of liquidation, reliquidation, or protest.”.

11 **SEC. 117. VOLUNTARY RELIQUIDATIONS.**

12 Section 501 of the Tariff Act of 1930 (19 U.S.C.
13 1501) is amended in the first sentence by inserting “or
14 504” after “section 500”.

15 **SEC. 118. EFFECTIVE DATE.**

16 The amendments made by this subtitle shall apply to
17 merchandise entered, or withdrawn from warehouse for
18 consumption, on or after the 15th day after the date of
19 the enactment of this Act.

1 **Subtitle C—Miscellaneous**
2 **Provisions**

3 **SEC. 121. DESIGNATION OF SAN ANTONIO INTERNATIONAL**
4 **AIRPORT FOR CUSTOMS PROCESSING OF**
5 **CERTAIN PRIVATE AIRCRAFT ARRIVING IN**
6 **THE UNITED STATES.**

7 (a) IN GENERAL.—Section 1453(a) of the Tariff Sus-
8 pension and Trade Act of 2000 is amended by striking
9 “2-year period” and inserting “6-year period”.

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

12 **SEC. 122. AUTHORITY FOR THE ESTABLISHMENT OF INTE-**
13 **GRATED BORDER INSPECTION AREAS AT THE**
14 **UNITED STATES-CANADA BORDER.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) The increased security and safety concerns
18 that developed in the aftermath of the terrorist at-
19 tacks in the United States on September 11, 2001,
20 need to be addressed.

21 (2) One concern that has come to light is the
22 vulnerability of the international bridges and tunnels
23 along the United States borders.

24 (3) It is necessary to ensure that potentially
25 dangerous vehicles are inspected prior to crossing

1 these bridges and tunnels; however, currently these
2 vehicles are not inspected until after they have
3 crossed into the United States.

4 (4) Establishing Integrated Border Inspection
5 Areas (IBLAs) would address these concerns by in-
6 specting vehicles before they gained access to the in-
7 frastructure of international bridges and tunnels
8 joining the United States and Canada.

9 (b) CREATION OF INTEGRATED BORDER INSPECTION
10 AREAS.—

11 (1) IN GENERAL.—The Commissioner of the
12 Customs Service, in consultation with the Canadian
13 Customs and Revenue Agency (CCRA), shall seek to
14 establish Integrated Border Inspection Areas
15 (IBLAs), such as areas on either side of the United
16 States-Canada border, in which United States Cus-
17 toms officers can inspect vehicles entering the
18 United States from Canada before they enter the
19 United States, or Canadian Customs officers can in-
20 spect vehicles entering Canada from the United
21 States before they enter Canada. Such inspections
22 may include, where appropriate, employment of re-
23 verse inspection techniques.

24 (2) ADDITIONAL REQUIREMENT.—The Commis-
25 sioner of Customs, in consultation with the Adminis-

1 trator of the General Services Administration when
2 appropriate, shall seek to carry out paragraph (1) in
3 a manner that minimizes adverse impacts on the
4 surrounding community.

5 (3) ELEMENTS OF THE PROGRAM.—Using the
6 authority granted by this section and under section
7 629 of the Tariff Act of 1930, the Commissioner of
8 Customs, in consultation with the Canadian Customs
9 and Revenue Agency, shall seek to—

10 (A) locate Integrated Border Inspection
11 Areas in areas with bridges or tunnels with
12 high traffic volume, significant commercial ac-
13 tivity, and that have experienced backups and
14 delays since September 11, 2001;

15 (B) ensure that United States Customs of-
16 ficers stationed in any such IBIA on the Cana-
17 dian side of the border are vested with the max-
18 imum authority to carry out their duties and
19 enforce United States law;

20 (C) ensure that United States Customs of-
21 ficers stationed in any such IBIA on the Cana-
22 dian side of the border shall possess the same
23 immunity that they would possess if they were
24 stationed in the United States; and

1 (D) encourage appropriate officials of the
2 United States to enter into an agreement with
3 Canada permitting Canadian Customs officers
4 stationed in any such IBIA on the United
5 States side of the border to enjoy such immuni-
6 ties as permitted in Canada.

7 **SEC. 123. DESIGNATION OF FOREIGN LAW ENFORCEMENT**
8 **OFFICERS.**

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

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

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

19 (2) in subsection (c)—

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

22 (B) by inserting “or exit” after “port of
23 entry”;

24 (3) by amending subsection (e) to read as fol-
25 lows:

1 “(e) STATIONING OF FOREIGN CUSTOMS AND AGRI-
2 CULTURE INSPECTION OFFICERS IN THE UNITED
3 STATES.—The Secretary of State, in coordination with the
4 Secretary and the Secretary of Agriculture, may enter into
5 agreements with any foreign country authorizing the sta-
6 tioning in the United States of customs and agriculture
7 inspection officials of that country (if similar privileges are
8 extended by that country to United States officials) for
9 the purpose of insuring that persons and merchandise
10 going directly to that country from the United States, or
11 that have gone directly from that country to the United
12 States, comply with the customs and other laws of that
13 country governing the importation or exportation of mer-
14 chandise. Any foreign customs or agriculture inspection
15 official stationed in the United States under this sub-
16 section may exercise such functions, perform such duties,
17 and enjoy such privileges and immunities as United States
18 officials may be authorized to perform or are afforded in
19 that foreign country by treaty, agreement, or law.”; and

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

21 “(g) PRIVILEGES AND IMMUNITIES.—Any person
22 designated to perform the duties of an officer of the Cus-
23 toms Service pursuant to section 401(i) of this Act shall
24 be entitled to the same privileges and immunities as an
25 officer of the Customs Service with respect to any actions

1 taken by the designated person in the performance of such
2 duties.”.

3 (c) CONFORMING AMENDMENT.—Section 127 of the
4 Treasury Department Appropriations Act, 2003, is hereby
5 repealed.

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

9 **SEC. 124. CUSTOMS SERVICES.**

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

13 (1) by striking “(1) Notwithstanding section
14 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or
15 any other provision of law (other than paragraph
16 (2)),” and inserting:

17 “(1) IN GENERAL.—

18 “(A) SCHEDULED FLIGHTS.—Notwith-
19 standing section 451 of the Tariff Act of 1930
20 (19 U.S.C. 1451) or any other provision of law
21 (other than subparagraph (B) and paragraph
22 (2)),”; and

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

24 “(B) CHARTER FLIGHTS.—If a charter air
25 carrier (as defined in section 40102(13) of title

1 49, United States Code) specifically requests
2 that customs border patrol services for pas-
3 sengers and their baggage be provided for a
4 charter flight arriving after normal operating
5 hours at a customs border patrol serviced air-
6 port and overtime funds for those services are
7 not available, the appropriate customs border
8 patrol officer may assign sufficient customs em-
9 ployees (if available) to perform any such serv-
10 ices, which could lawfully be performed during
11 regular hours of operation, and any overtime
12 fees incurred in connection with such service
13 shall be paid by the charter air carrier.”.

14 **SEC. 125. SENSE OF CONGRESS ON INTERPRETATION OF**
15 **TEXTILE AND APPAREL PROVISIONS.**

16 It is the sense of Congress that the Bureau of Cus-
17 toms and Border Protection of the Department of Home-
18 land Security should interpret, implement, and enforce the
19 provisions of section 112 of the African Growth and Op-
20 portunity Act (19 U.S.C. 3721), section 204 of the Ande-
21 an Trade Preference Act (19 U.S.C. 3203), and section
22 213 of the Caribbean Basin Economic Recovery Act (19
23 U.S.C. 2703), relating to preferential treatment of textile
24 and apparel articles, broadly in order to expand trade by

1 maximizing opportunities for imports of such articles from
2 eligible beneficiary countries.

3 **SEC. 126. TECHNICAL AMENDMENTS.**

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

6 (1) in the first sentence—

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

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

11 (2) in the second sentence, by striking “a par-
12 ticipating” and all that follows through the end of
13 the sentence and inserting the following: “the Sec-
14 retary shall promulgate regulations, after testing the
15 module, permitting a participating importer of
16 record to deposit estimated duties and fees for en-
17 tries of merchandise, other than merchandise en-
18 tered for warehouse, transportation, or under bond,
19 no later than the 15 working days following the
20 month in which the merchandise is entered or re-
21 leased, whichever comes first.”.

22 (b) CUSTOMS USER FEES.—(1) Section
23 13031(b)(9)(A) of the Consolidated Omnibus Budget Rec-
24 onciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is

1 amended by striking “less than \$2,000” and inserting
2 “\$2,000 or less”.

3 (2) Section 13031(b)(9)(A)(ii) of the Consolidated
4 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
5 58c(b)(9)(A)(ii)) is amended to read as follows:

6 “(ii) Notwithstanding subsection (e)(6) and
7 subject to the provisions of subparagraph (B), in the
8 case of an express consignment carrier facility or
9 centralized hub facility—

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

12 “(II) if the merchandise is formally en-
13 tered, the fee provided for in subsection (a)(9),
14 if applicable.”.

15 (3) Section 13031(b)(9)(B) of the Consolidated Om-
16 nibus Budget Reconciliation Act of 1985 (19 U.S.C.
17 58c(b)(9)(B)) is amended—

18 (A) by moving the margins for subparagraph

19 (B) 4 ems to the left; and

20 (B) in clause (ii), by striking “subparagraph
21 (A)(ii)” and inserting “subparagraph (A)(ii) (I) or
22 (II)”.

23 (4) Section 13031(f)(1)(B) of the Consolidated Om-
24 nibus Budget Reconciliation Act of 1985 (19 U.S.C.

1 58c(f)(1)(B)) is amended by moving the subparagraph
2 ems to the left.

3 **TITLE II—OFFICE OF THE**
4 **UNITED STATES TRADE REP-**
5 **RESENTATIVE**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—Section 141(g)(1)(A) of the
9 Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is
10 amended by striking clauses (i) and (ii) and insert-
11 ing the following:

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

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

14 (2) RULE OF CONSTRUCTION.—The amendment
15 made by paragraph (1) shall not be construed to af-
16 fect the availability of funds appropriated pursuant
17 to section 141(g)(1)(A) of the Trade Act of 1974 be-
18 fore the date of the enactment of this Act.

19 (b) AUTHORIZATION OF APPROPRIATIONS FOR THE
20 OFFICE OF THE GENERAL COUNSEL AND THE OFFICE OF
21 MONITORING AND ENFORCEMENT.—There are authorized
22 to be appropriated to the Office of the United States
23 Trade Representative for the appointment of additional
24 staff in the Office of the General Counsel and the Office
25 of Monitoring and Enforcement—

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

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

3 **TITLE III—UNITED STATES**
4 **INTERNATIONAL TRADE COM-**
5 **MISSION**

6 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
8 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C.
9 1330(e)(2)(A)) is amended by striking clauses (i) and (ii)
10 and inserting the following:

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

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

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

Passed the House of Representatives July 14, 2004.

Attest:

JEFF TRANDAHL,

Clerk.