

110TH CONGRESS
1ST SESSION

S. 575

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2007

Mr. DOMENICI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. KYL, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border Infrastructure
5 and Technology Modernization Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

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

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

13 (5) UNDER SECRETARY.—The term “Under
14 Secretary” means the Under Secretary for Border
15 and Transportation Security of the Department of
16 Homeland Security.

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

19 (a) INSPECTORS AND AGENTS.—

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

23 (A) increase the number of full-time agents
24 and associated support staff in the Bureau of
25 Immigration and Customs Enforcement of the

1 Department of Homeland Security by the equiv-
2 alent of at least 100 more than the number of
3 such employees in the Bureau as of the end of
4 the preceding fiscal year; and

5 (B) increase the number of full-time in-
6 spectors and associated support staff in the Bu-
7 reau of Customs and Border Protection by the
8 equivalent of at least 200 more than the num-
9 ber of such employees in the Bureau as of the
10 end of the preceding fiscal year.

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

16 (b) TRAINING.—The Under Secretary shall provide
17 appropriate training for agents, inspectors, and associated
18 support staff of the Department of Homeland Security on
19 an ongoing basis to utilize new technologies and to ensure
20 that the proficiency levels of such personnel are acceptable
21 to protect the borders of the United States.

22 **SEC. 4. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT**
23 **STUDY.**

24 (a) REQUIREMENT TO UPDATE.—Not later than
25 January 31 of each year, the Administrator of General

1 Services shall update the Port of Entry Infrastructure As-
2 sessment Study prepared by the United States Customs
3 Service, the Immigration and Naturalization Service, and
4 the General Services Administration in accordance with
5 the matter relating to the ports of entry infrastructure as-
6 sessment that is set out in the joint explanatory statement
7 in the conference report accompanying H.R. 2490 of the
8 106th Congress, 1st session (House of Representatives
9 Rep. No. 106–319, on page 67) and submit such updated
10 study to Congress.

11 (b) CONSULTATION.—In preparing the updated stud-
12 ies required in subsection (a), the Administrator of Gen-
13 eral Services shall consult with the Director of the Office
14 of Management and Budget, the Under Secretary, and the
15 Commissioner.

16 (c) CONTENT.—Each updated study required in sub-
17 section (a) shall—

18 (1) identify port of entry infrastructure and
19 technology improvement projects that would enhance
20 border security and facilitate the flow of legitimate
21 commerce if implemented;

22 (2) include the projects identified in the Na-
23 tional Land Border Security Plan required by sec-
24 tion 5; and

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

4 (A) fulfill immediate security requirements;

5 and

6 (B) facilitate trade across the borders of
7 the United States.

8 (d) **PROJECT IMPLEMENTATION.**—The Commissioner
9 shall implement the infrastructure and technology im-
10 provement projects described in subsection (c) in the order
11 of priority assigned to each project under paragraph (3)
12 of such subsection.

13 (e) **DIVERGENCE FROM PRIORITIES.**—The Commis-
14 sioner may diverge from the priority order if the Commis-
15 sioner determines that significantly changed cir-
16 cumstances, such as immediate security needs or changes
17 in infrastructure in Mexico or Canada, compellingly alter
18 the need for a project in the United States.

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

20 (a) **REQUIREMENT FOR PLAN.**—Not later than Janu-
21 ary 31 of each year, the Under Secretary shall prepare
22 a National Land Border Security Plan and submit such
23 plan to Congress.

24 (b) **CONSULTATION.**—In preparing the plan required
25 in subsection (a), the Under Secretary shall consult with

1 the Under Secretary for Information Analysis and Infra-
2 structure Protection and the Federal, State, and local law
3 enforcement agencies and private entities that are involved
4 in international trade across the northern border or the
5 southern border.

6 (c) VULNERABILITY ASSESSMENT.—

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

11 (2) PORT SECURITY COORDINATORS.—The
12 Under Secretary may establish 1 or more port secu-
13 rity coordinators at each port of entry located on the
14 northern border or the southern border—

15 (A) to assist in conducting a vulnerability
16 assessment at such port; and

17 (B) to provide other assistance with the
18 preparation of the plan required in subsection

19 (a).

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

21 (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
22 RORISM.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the
25 Commissioner, in consultation with the Under Sec-

1 retary, shall develop a plan to expand the size and
2 scope (including personnel needs) of the Customs-
3 Trade Partnership Against Terrorism programs
4 along the northern border and southern border, in-
5 cluding—

6 (A) the Business Anti-Smuggling Coali-
7 tion;

8 (B) the Carrier Initiative Program;

9 (C) the Americas Counter Smuggling Ini-
10 tiative;

11 (D) the Container Security Initiative;

12 (E) the Free and Secure Trade Initiative;

13 and

14 (F) other Industry Partnership Programs
15 administered by the Commissioner.

16 (2) SOUTHERN BORDER DEMONSTRATION PRO-
17 GRAM.—Not later than 180 days after the date of
18 the enactment of this Act, the Commissioner shall
19 establish a demonstration program along the south-
20 ern border for the purpose of implementing at least
21 one Customs-Trade Partnership Against Terrorism
22 program along that border. The Customs-Trade
23 Partnership Against Terrorism program selected for
24 the demonstration program shall have been success-

1 fully implemented along the northern border as of
2 the date of the enactment of this Act.

3 (b) MAQUILADORA DEMONSTRATION PROGRAM.—

4 Not later than 180 days after the date of the enactment
5 of this Act, the Commissioner shall establish a demonstra-
6 tion program to develop a cooperative trade security sys-
7 tem to improve supply chain security.

8 **SEC. 7. PORT OF ENTRY TECHNOLOGY DEMONSTRATION**
9 **PROGRAM.**

10 (a) ESTABLISHMENT.—The Under Secretary shall
11 carry out a technology demonstration program to test and
12 evaluate new port of entry technologies, refine port of
13 entry technologies and operational concepts, and train per-
14 sonnel under realistic conditions.

15 (b) TECHNOLOGY AND FACILITIES.—

16 (1) TECHNOLOGY TESTED.—Under the dem-
17 onstration program, the Under Secretary shall test
18 technologies that enhance port of entry operations,
19 including those related to inspections, communica-
20 tions, port tracking, identification of persons and
21 cargo, sensory devices, personal detection, decision
22 support, and the detection and identification of
23 weapons of mass destruction.

24 (2) FACILITIES DEVELOPED.—At a demonstra-
25 tion site selected pursuant to subsection (c)(2), the

1 Under Secretary shall develop facilities to provide
2 appropriate training to law enforcement personnel
3 who have responsibility for border security, including
4 cross-training among agencies, advanced law en-
5 forcement training, and equipment orientation.

6 (c) DEMONSTRATION SITES.—

7 (1) NUMBER.—The Under Secretary shall carry
8 out the demonstration program at not less than 3
9 sites and not more than 5 sites.

10 (2) SELECTION CRITERIA.—To ensure that at
11 least 1 of the facilities selected as a port of entry
12 demonstration site for the demonstration program
13 has the most up-to-date design, contains sufficient
14 space to conduct the demonstration program, has a
15 traffic volume low enough to easily incorporate new
16 technologies without interrupting normal processing
17 activity, and can efficiently carry out demonstration
18 and port of entry operations, at least 1 port of entry
19 selected as a demonstration site shall—

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

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

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

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

14 (e) REPORT.—

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

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

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

4 (1) to carry out the provisions of section 3,
5 such sums as may be necessary for the fiscal years
6 2008 through 2012;

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

8 (A) to carry out subsection (a) of such sec-
9 tion, such sums as may be necessary for the fis-
10 cal years 2008 through 2012; and

11 (B) to carry out subsection (d) of such sec-
12 tion—

13 (i) \$100,000,000 for each of the fiscal
14 years 2008 through 2012; and

15 (ii) such sums as may be necessary in
16 any succeeding fiscal year;

17 (3) to carry out the provisions of section 6—

18 (A) to carry out subsection (a) of such sec-
19 tion—

20 (i) \$30,000,000 for fiscal year 2008,
21 of which \$5,000,000 shall be made avail-
22 able to fund the demonstration project es-
23 tablished in paragraph (2) of such sub-
24 section; and

1 (ii) such sums as may be necessary
2 for the fiscal years 2009 through 2012;
3 and

4 (B) to carry out subsection (b) of such sec-
5 tion—

6 (i) \$5,000,000 for fiscal year 2008;
7 and

8 (ii) such sums as may be necessary
9 for the fiscal years 2009 through 2012;
10 and

11 (4) to carry out the provisions of section 7, pro-
12 vided that not more than \$10,000,000 may be ex-
13 pended for technology demonstration program activi-
14 ties at any 1 port of entry demonstration site in any
15 fiscal year—

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

17 (B) such sums as may be necessary for
18 each of the fiscal years 2009 through 2012.

19 (b) INTERNATIONAL AGREEMENTS.—Funds author-
20 ized in this Act may be used for the implementation of
21 projects described in the Declaration on Embracing Tech-
22 nology and Cooperation to Promote the Secure and Effi-
23 cient Flow of People and Commerce across our Shared
24 Border between the United States and Mexico, agreed to
25 March 22, 2002, Monterrey, Mexico (commonly known as

1 the Border Partnership Action Plan) or the Smart Border
2 Declaration between the United States and Canada,
3 agreed to December 12, 2001, Ottawa, Canada that are
4 consistent with the provisions of this Act.

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