

107TH CONGRESS  
1ST SESSION

# S. 92

To authorize appropriations for the United States Customs Service for fiscal years 2002 and 2003, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

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

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## A BILL

To authorize appropriations for the United States Customs Service for fiscal years 2002 and 2003, 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 “Drug Free Borders  
5 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—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

- Sec. 101. Authorization of appropriations.  
 Sec. 102. Cargo inspection and narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and Gulf Coast seaports, and Port Infrastructure Improvements.  
 Sec. 103. Peak hours and investigative resource enhancement for the United States-Mexico and United States-Canada borders, Florida and Gulf Coast seaports.  
 Sec. 104. Air and marine operation and maintenance funding.  
 Sec. 105. Compliance with performance plan requirements.  
 Sec. 106. Transfer of aerostats.  
 Sec. 107. Report on intelligence requirements.

TITLE II—CUSTOMS MANAGEMENT

- Sec. 201. Term of the Commissioner of Customs.  
 Sec. 202. Internal compliance.  
 Sec. 203. Report on personnel flexibility.  
 Sec. 204. Report on detection and monitoring requirements along the southern tier and northern border.

TITLE III—MARKING VIOLATIONS

- Sec. 301. Civil penalties for marking violations.

1 **TITLE I—AUTHORIZATION OF**  
 2 **APPROPRIATIONS FOR**  
 3 **UNITED STATES CUSTOMS**  
 4 **SERVICE FOR ENHANCED IN-**  
 5 **SPECTION, TRADE FACILITA-**  
 6 **TION, AND DRUG INTERDIC-**  
 7 **TION**

8 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) DRUG ENFORCEMENT AND OTHER NONCOMMER-  
 10 CIAL OPERATIONS.—Subparagraphs (A) and (B) of sec-  
 11 tion 301(b)(1) of the Customs Procedural Reform and  
 12 Simplification Act of 1978 (19 U.S.C. 2075(b)(1) (A) and  
 13 (B)) are amended to read as follows:

1 “(A) \$1,241,000,000 for fiscal year 2002.

2 “(B) \$1,231,000,000 for fiscal year  
3 2003.”.

4 (b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii)  
5 of section 301(b)(2)(A) of such Act (19 U.S.C.  
6 2075(b)(2)(A) (i) and (ii)) are amended to read as follows:

7 “(i) \$1,739,000,000 for fiscal year  
8 2002.

9 “(ii) \$1,725,000,000 for fiscal year  
10 2003.”.

11 (c) AIR AND MARINE INTERDICTION.—Subpara-  
12 graphs (A) and (B) of section 301(b)(3) of such Act (19  
13 U.S.C. 2075(b)(3) (A) and (B)) are amended to read as  
14 follows:

15 “(A) \$495,000,000 for fiscal year 2002.

16 “(B) \$772,000,000 for fiscal year 2003.”.

17 (d) AUTHORIZATION OF APPROPRIATIONS FOR CUS-  
18 TOMS SERVICE AUTOMATION MODERNIZATION.—There  
19 are authorized to be appropriated for the Fund  
20 \$460,000,000 for fiscal year 2002 and \$490,000,000 for  
21 fiscal year 2003. The amounts authorized to be appro-  
22 priated under this paragraph shall remain available until  
23 expended.

1 **SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION**  
 2 **EQUIPMENT FOR THE UNITED STATES-MEX-**  
 3 **ICO BORDER, UNITED STATES-CANADA BOR-**  
 4 **DER, AND FLORIDA AND GULF COAST SEA-**  
 5 **PORTS, AND PORT INFRASTRUCTURE RE-**  
 6 **QUIREMENTS.**

7 (a) FISCAL YEAR 2002.—Of the amounts made avail-  
 8 able for fiscal year 2002 under section 301(b)(1)(A) of  
 9 the Customs Procedural Reform and Simplification Act of  
 10 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section  
 11 101(a) of this Act, \$342,000,000 shall be available until  
 12 expended for acquisition and other expenses associated  
 13 with implementation and deployment of narcotics detec-  
 14 tion equipment along the United States-Mexico border, the  
 15 United States-Canada border, and Florida and the Gulf  
 16 Coast seaports, and for internal management improve-  
 17 ments as follows:

18 (1) UNITED STATES-MEXICO BORDER.—For the  
 19 United States-Mexico border, the following amounts  
 20 shall be available:

21 (A) \$4.6M for 4 Mobile Truck Gamma  
 22 Ray Systems

23 (B) \$26.6M for 14 High Energy Pallet  
 24 Gamma-Ray Systems

25 (C) \$24.3M for 9 Higher Energy Truck X-  
 26 Ray Upgrades

- 1 (D) \$41.3M for Contract NII Equipment  
2 Operators
- 3 (E) \$12M for NII Technology Maintenance  
4 nance
- 5 (F) \$800,000 for expansion of Industry  
6 Partnership Programs
- 7 (G) \$1.6M for Canine Kennel Construction
- 8 (H) \$500,000 for Replacement of Canines
- 9 (I) \$1M for Automated Targeting Systems  
10 (Narcotics) Maintenance
- 11 (J) \$2.5M for 10 X-Ray Vans
- 12 (K) \$1.5M for 15 Tool Trucks
- 13 (L) \$3.5M for Refurbish/Maintain Existing  
14 X-Ray Vans/Tool Trucks
- 15 (M) \$600,000 for 50 Contraband Detection  
16 tion Kits
- 17 (N) \$1M for 20 Remote Watch Surveillance  
18 lance Camera Systems
- 19 (O) \$1M for 40 Counter Spotter Surveillance  
20 lance Systems
- 21 (P) \$2.5M for 10 Truck License Plate  
22 Reader Systems
- 23 (Q) \$1.6M for 40 Narcotics Particle Detectors  
24

1 (R) \$14.8M for 29 Land Border Vehicle  
2 Targeting Systems as follows

3 (S) \$3.0M for 250 Under Vehicle Inspec-  
4 tion Systems

5 (T) \$1.5M for 5 Outbound Passenger Fa-  
6 cilities/Canopies

7 (U) \$1.5M for 300 Work Station Replace-  
8 ments

9 (V) \$3.5M for a 126 lane installation of  
10 Customs Automated Operations System on the  
11 Southwest Border (CAOS)

12 Total: \$151.2M.

13 (2) UNITED STATES-CANADA BORDER.—

14 (A) \$9.2M for 8 Mobile Vehicle and Con-  
15 tainer Inspection System (VACIS)

16 (B) \$3.6M for four 1-MeV pallet x-rays

17 (C) \$250,000 for 50 Portable contraband  
18 detectors (busters)

19 (D) \$300,000 for 26 Contraband detection  
20 kits

21 (E) \$240,000 for 10 portable Treasury  
22 Enforcement Communications Systems (TECS)  
23 terminals

24 (F) \$400,000 for 10 Narcotics vapor and  
25 particle detectors

1 (G) \$600,000 for 30 Fiber optic scopes

2 (H) \$3M for 10 X-ray vans with particle  
3 detectors

4 (I) \$8.0M for 80 Digital Video Security  
5 Systems

6 (J) \$3.0M for 250 Under Vehicle Inspec-  
7 tion Systems

8 (K) \$7.0M for 140 Itemizer Explosive Par-  
9 ticle Detectors

10 (L) \$5.0M for 50 Explosives Residue Ac-  
11 cess Control Monitors

12 (M) \$5.0M for 50 Portal Explosives Detec-  
13 tor Systems

14 (N) \$7.5M for 25 Radiation Detectors

15 (O) \$11.1M for 130 Lighting Systems and  
16 45 Barriers

17 (P) \$2.4M for 8 Outbound Passenger Fa-  
18 cilities/Canopies

19 (Q) \$1.2M for 4 Outbound Cargo Facili-  
20 ties without HAZMAT Inspection Stations

21 (R) \$2.0M for 4 Outbound Cargo Facili-  
22 ties with HAZMAT Inspection Stations

23 (S) \$2.0M for 56 Outbound License Plate  
24 Readers

1 (T) \$0.7M Interface Unit for each Lane—  
 2 for 56 LPRs mentioned above

3 (U) \$1.3M Installation—for 56 LPRs  
 4 mentioned above

5 (V) \$1.0M Site Preparation for 56 LPRs  
 6 mentioned above

7 (W) \$3.0M for 125 Customs Automated  
 8 Operations Systems (CAOS)

9 (X) \$7.5M for 125 License Plate Readers

10 (Y) \$1.0M for 200 Work Station Replace-  
 11 ments

12 Total: \$86.29M.

13 (3) EQUIPMENT FOR BOTH MEXICAN AND CA-  
 14 NADIAN BORDER PORTS.—

15 (A) \$19.3M for 584 Explosives Vapor  
 16 Tracer Detectors

17 (B) \$1.4M for 1000 Pager Radiation De-  
 18 tectors

19 (C) \$2.4M for 300 Radiation Identification  
 20 Devices

21 (D) \$0.6M for Radiation and Explosives  
 22 Detection Training

23 Total: \$23.7M.

24 (4) FLORIDA AND GULF COAST SEAPORTS.—



1 (A) \$24M for 6 Sea Container X-Ray Sys-  
 2 tems

3 (B) \$15.2M for 8 High Energy Pallet  
 4 Gamma-Ray Systems

5 Total: \$39.2M.

6 (5) INTERAGENCY COMMISSION ON CRIME AND  
 7 SECURITY IN U.S. SEAPORTS.—

8 (A) \$9.2M for 8 Mobile Truck Gamma  
 9 Ray Systems

10 (B) \$2.8M for 12 X-Ray Vans

11 (C) \$2.8M for 28 Tool Trucks

12 (D) \$384,000 for 32 Contraband Detection  
 13 Kits

14 (E) \$1.5M for Port Security Equipment  
 15 maintenance

16 Total \$16.68M.

17 (6) COMMERCIAL AIRPORTS.—

18 (A) \$2.0M for 12 Body Scan Imaging Sys-  
 19 tems

20 (B) \$7.7M for 9 Mobile X-Ray Service

21 (C) \$6.0M for 6,666 Passport Readers

22 (D) \$0.9M for 10 Live Scan fingerprint  
 23 systems

24 Total: \$16.6M.

25 (7) WINTER OLYMPICS—SALT LAKE CITY.—

1 (A) \$2.3M for 1 LAN System upgrade

2 (B) \$1.2M for 1 Mobile Truck Gamma

3 Ray System

4 (C) \$0.1M for 1 Tool Truck

5 (D) \$3.0 M for 12 Mobile X-Ray Vans

6 (E) \$1.2 M for 10 Mobile Pallet X-Ray

7 Systems.

8 (F) \$0.2 M for 200 Body Armor

9 (G) \$0.1 M for 248 Cold Weather Gear.

10 Will be collected and sent to northern border

11 ports after the Winter Olympics games

12 Total \$8.10M.

13 (b) FISCAL YEAR 2003.—Of the amounts made avail-

14 able for fiscal year 2003 under section 301(b)(1)(B) of

15 the Customs Procedural Reform and Simplification Act of

16 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section

17 101(a) of this Act, \$51,000,000 shall be available for the

18 maintenance and support of the equipment and training

19 of personnel to maintain and support the equipment de-

20 scribed in subsection (a).

21 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR

22 EQUIPMENT; TRANSFER OF FUNDS.—

23 (1) IN GENERAL.—The Commissioner of Cus-

24 toms may use amounts made available for fiscal year

25 2002 and 2003 under section 301(b)(1)(A) of the

1 Customs Procedural Reform and Simplification Act  
2 of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by  
3 section 101(a) of this Act, for the acquisition of  
4 equipment other than the equipment described in  
5 subsection (a) if such other equipment—

6 (A)(i) is technologically superior to the  
7 equipment described in subsection (a); and

8 (ii) will achieve at least the same results at  
9 a cost that is the same or less than the equip-  
10 ment described in subsection (a); or

11 (B) is technologically equivalent to the  
12 equipment described in subsection (a) and can  
13 be obtained at a lower cost than the equipment  
14 described in subsection (a).

15 (2) TRANSFER OF FUNDS.—Notwithstanding  
16 any other provision of this section the Commissioner  
17 of Customs may reallocate an amount not to exceed  
18 25 percent of—

19 (A) the amount specified in any of sub-  
20 paragraphs (A) through (V) of subsection  
21 (a)(1) for equipment specified in any other of  
22 such subparagraphs (A) through (V);

23 (B) the amount specified in any of sub-  
24 paragraphs (A) through (Y) of subsection

1 (a)(2) for equipment specified in any other of  
 2 such subparagraphs (A) through (Y); and

3 (C) the amount specified in any of sub-  
 4 paragraphs (A) through (D) of subsection  
 5 (a)(3) for equipment specified in any other of  
 6 such subparagraphs (A) through (D)

7 (d) CUSTOMS INFRASTRUCTURE IMPROVEMENT RE-  
 8 QUIREMENTS.—For fiscal year 2002 \$393,000,000, and  
 9 for fiscal year 2003 \$393,000,000 is authorized for to be  
 10 appropriated until expended for the construction, improve-  
 11 ment and expansion of Customs Service facilities.

12 **SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE EN-**  
 13 **HANCEMENT FOR THE UNITED STATES-MEX-**  
 14 **ICO AND UNITED STATES-CANADA BORDERS,**  
 15 **FLORIDA AND GULF COAST SEAPORTS.**

16 (a) IN GENERAL.—Of the amounts made available  
 17 for fiscal years 2002 and 2003 under subparagraphs (A)  
 18 and (B) of section 301(b)(1) of the Customs Procedural  
 19 Reform and Simplification Act of 1978 (19 U.S.C.  
 20 2075(b)(1) (A) and (B)), as amended by section 101(a)  
 21 of this Act, \$139,000,000 for fiscal year 2002 and  
 22 \$306,000,000 for fiscal year 2003 shall be available for  
 23 the following:

24 (1) A net increase of \$139,000,000 for 1,500  
 25 new positions in fiscal year 2002 and \$306,000,000

1       for 1,500 new positions in fiscal year 2003 and the  
2       reoccurring costs of positions authorized by this sec-  
3       tion for fiscal year 2002: *Provided further*, That, in  
4       each of fiscal years 2002 and 2003 the new positions  
5       authorized shall be distributed as follows: 877 posi-  
6       tions are for the Southwest Border, 516 positions  
7       are for the Northern Border, and 107 positions are  
8       for Florida and Gulf Coast Seaports. Of the 1,500  
9       new positions added in each of fiscal years 2002 and  
10      2003, 153 shall be for agents, 765 for inspectors,  
11      and 96 for Canine Enforcement Officers, the balance  
12      shall include those positions deemed necessary by  
13      the Customs Service and will include among others,  
14      import specialists, entry specialists, intelligence ana-  
15      lysts, and other administrative and support per-  
16      sonnel.

17      (b) RELOCATION OF PERSONNEL.—Notwithstanding  
18      any other provision of this section, the Commissioner of  
19      Customs may reduce the amount of additional personnel  
20      provided for in any of paragraphs (1) through (9) of sub-  
21      section (a) by not more than 25 percent, if the Commis-  
22      sioner of Customs makes a corresponding increase in the  
23      personnel provided for in one or more of such paragraphs  
24      (1) through (9).

1       (c) NET INCREASE.—In this section, the term “net  
 2 increase” means an increase in the number of employees  
 3 in each position described in this section over the number  
 4 of employees in each such position that was provided for  
 5 in fiscal year.

6       **SEC. 104. AIR AND MARINE OPERATION AND MAINTENANCE**  
 7                                   **FUNDING.**

8       (a) FISCAL YEAR 2002.—Of the amounts made avail-  
 9 able for fiscal year 2002 under subparagraphs (A) and  
 10 (B) of section 301(b)(3) of the Customs Procedural Re-  
 11 form and Simplification Act of 1978 (19 U.S.C.  
 12 2075(b)(3) (A) and (B)), as amended by section 101(c)  
 13 of this Act, \$264,000,000 shall be available until expended  
 14 for Phase One of the Air and Marine Modernization Plan.

15       (b) FISCAL YEAR 2003.—Of the amounts made avail-  
 16 able for fiscal year 2003 under subparagraphs (A) and  
 17 (B) of section 301(b)(3) of the Customs Procedural Re-  
 18 form and Simplification Act of 1978 (19 U.S.C.  
 19 2075(b)(3) (A) and (B)) as amended by section 101(c)  
 20 of this Act, \$529,000,000 shall be available until expended  
 21 for Phase Two of the Air and Marine Modernization Plan.

22       **SEC. 105. COMPLIANCE WITH PERFORMANCE PLAN RE-**  
 23                                   **QUIREMENTS.**

24       (a) IN GENERAL.—As part of the annual perform-  
 25 ance plan for each of fiscal years 2002 and 2003, as re-

1 quired under section 1115 of title 31, United States Code,  
2 the Commissioner of Customs shall evaluate the benefits  
3 of the activities authorized to be carried out pursuant to  
4 sections 102 through 105 of this Act.

5 (b) REPORT TO CONGRESS.—The Commissioner of  
6 Customs shall submit any assessment, review, or report  
7 provided for under this section to the Committee on Fi-  
8 nance of the Senate and the Committee on Ways and  
9 Means of the House of Representatives.

10 **SEC. 106. TRANSFER OF AEROSTATS.**

11 (a) IN GENERAL.—The President shall submit a plan  
12 for funding the acquisition and operation by the Customs  
13 Service of tethered aerostat radar systems currently oper-  
14 ated by the Department of the Air Force and scheduled  
15 for replacement in fiscal year 2002.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated such sums as may be  
18 necessary to permit the operation and maintenance of the  
19 aerostat radar systems, after the systems are transferred  
20 to the Customs Service.

21 **SEC. 107. REPORT ON INTELLIGENCE REQUIREMENTS.**

22 The Commissioner of Customs shall, not later than  
23 1 year of the date of enactment of this Act, provide the  
24 Committee on Finance of the Senate and the Committee

1 on Ways and Means of the House of Representatives  
2 with—

3 (1) an assessment of the intelligence- and infor-  
4 mation-gathering capabilities and needs of the Cus-  
5 toms Service;

6 (2) the impact of any limitations on the intel-  
7 ligence and information gathering capabilities nec-  
8 essary for adequate enforcement of the customs laws  
9 of the United States and other laws enforced by the  
10 Customs Service; and

11 (3) a report detailing the Commissioner’s rec-  
12 ommendations for improving the agency’s capabili-  
13 ties.

## 14 **TITLE II—CUSTOMS** 15 **MANAGEMENT**

### 16 **SEC. 201. TERM OF THE COMMISSIONER OF CUSTOMS.**

17 (a) TERM.—

18 (1) GENERAL REQUIREMENTS.—The first sec-  
19 tion of the Act entitled “An Act to create a Bureau  
20 of Customs and a Bureau of Prohibition in the De-  
21 partment of the Treasury”, approved March 3, 1927  
22 (19 U.S.C. 2071) is amended—

23 (A) by striking “There shall be” and in-  
24 serting “(a) IN GENERAL.—There shall be”;

25 (B) in the second sentence—



1 (i) by inserting “for a term of 5  
2 years” after “Senate”;

3 (ii) by striking “and” at the end of  
4 paragraph (2);

5 (iii) by striking the period at the end  
6 of paragraph (3) and inserting “; and”;  
7 and

8 (iv) by adding at the end the following  
9 new paragraph:

10 “(4) have demonstrated ability in manage-  
11 ment.”; and

12 (C) by adding at the end the following:

13 “(b) VACANCY.—Any individual appointed to fill a va-  
14 cancy in the position of Commissioner occurring before the  
15 expiration of the term for which the individual’s prede-  
16 cessor was appointed shall be appointed only for the re-  
17 mainder of that term.

18 “(c) REMOVAL.—The Commissioner may be removed  
19 at the will of the President.

20 “(d) REAPPOINTMENT.—The Commissioner may be  
21 appointed to more than one 5-year term.”.

22 (2) CURRENT OFFICE HOLDER.—In the case of  
23 an individual serving as the Commissioner of Cus-  
24 toms on the date of enactment of this Act, who was  
25 appointed to such position before such date, the 5-

1 year term required by the first section of the Act en-  
2 titled “An Act to create a Bureau of Customs and  
3 a Bureau of Prohibition in the Department of the  
4 Treasury”, as amended by this section, shall begin  
5 as of the date of such appointment.

6 **SEC. 202. INTERNAL COMPLIANCE.**

7 (a) ESTABLISHMENT OF INTERNAL COMPLIANCE  
8 PROGRAM.—The Commissioner of Customs shall—

9 (1) establish, within the Office of Internal Af-  
10 fairs, a program of internal compliance designed to  
11 enhance the performance of the basic mission of the  
12 Customs Service to ensure compliance with all appli-  
13 cable laws and, in particular, with the implementa-  
14 tion of title VI of the North American Free Trade  
15 Agreement Implementation Act (commonly referred  
16 to as the “Customs Modernization Act”);

17 (2) institute a program of ongoing self-assess-  
18 ment and conduct a review on an annual basis of the  
19 performance of all core functions of the Customs  
20 Service;

21 (3) identify deficiencies in the current perform-  
22 ance of the Customs Service with respect to commer-  
23 cial operations, enforcement, and internal manage-  
24 ment and propose specific corrective measures to ad-  
25 dress such concerns; and

1           (4) within 6 months of the date of enactment  
2       of this Act, and annually thereafter, provide the  
3       Committee on Finance of the Senate and the Com-  
4       mittee on Ways and Means of the House of Rep-  
5       resentatives with a report on the programs and re-  
6       views conducted under this subsection.

7       (b) EVALUATION AND REPORT ON BEST PRAC-  
8       TICES.—The Commissioner of Customs shall, as part of  
9       the development of an improved system of internal compli-  
10      ance, initiate a review of current best practices in internal  
11      compliance programs among government agencies and pri-  
12      vate sector organizations and, not later than 18 months  
13      after the date of enactment of this Act, report on the re-  
14      sults of the review to the Committee on Governmental Af-  
15      fairs and the Committee on Finance of the Senate and  
16      the Committee on Government Reform and the Committee  
17      on Ways and Means of the House of Representatives.

18      (c) REVIEW BY INSPECTOR GENERAL.—The Inspec-  
19      tor General of the Department of the Treasury shall re-  
20      view and audit the implementation of the programs de-  
21      scribed in subsection (a) as part of the Inspector General’s  
22      report required under the Inspector General Act of 1978  
23      (5 U.S.C. App).

1 **SEC. 203. REPORT ON PERSONNEL FLEXIBILITY.**

2 Not later than 6 months after the date of enactment  
3 of this Act, the Commissioner of Customs shall submit to  
4 the Committee on Governmental Affairs and the Com-  
5 mittee on Finance of the Senate and the Committee on  
6 Governmental Reform and the Committee on Ways and  
7 Means of the House of Representatives a report on the  
8 Commissioner's recommendations for modifying existing  
9 personnel rules to permit more effective management of  
10 the resources of the Customs Service and for improving  
11 the ability of the Customs Service to fulfill its mission.  
12 The report shall also include an analysis of why the flexi-  
13 bility provided under existing personnel rules is insuffi-  
14 cient to meet the needs of the Customs Service.

15 **SEC. 204. REPORT ON DETECTION AND MONITORING RE-**  
16 **QUIREMENTS ALONG THE SOUTHERN TIER**  
17 **AND NORTHERN BORDER.**

18 Not later than 6 months after the date of enactment  
19 of this Act, the Commissioner of Customs shall submit a  
20 report to the Committee on Finance of the Senate and  
21 the Committee on Ways and Means of the House of Rep-  
22 resentatives regarding the requirements of the Customs  
23 Service for counterdrug detection and monitoring of the  
24 arrival zones along the southern tier and northern border  
25 of the United States. The report shall include an assess-  
26 ment of—

1 (1) the performance of existing detection and  
2 monitoring equipment, technology, and personnel;

3 (2) any gaps in radar coverage of the arrival  
4 zones along the southern tier and northern border of  
5 the United States; and

6 (3) any limitations imposed on the enforcement  
7 activities of the Customs Service as a result of the  
8 reliance on detection and monitoring equipment,  
9 technology, and personnel operated under the aus-  
10 pices of the Department of Defense.

## 11 **TITLE III—MARKING** 12 **VIOLATIONS**

### 13 **SEC. 301. CIVIL PENALTIES FOR MARKING VIOLATIONS.**

14 Section 304(l) of the Tariff Act of 1930 (19 U.S.C.  
15 1304(l)) is amended—

16 (1) by redesignating paragraphs (1) and (2) as  
17 subparagraphs (A) and (B), respectively;

18 (2) by striking “Any person” and inserting “(1)  
19 IN GENERAL.—Any person”;

20 (3) by moving the remaining text 2 ems to the  
21 right; and

22 (4) by adding at the end the following new  
23 paragraph:

24 “(2) CIVIL PENALTIES.—Any person who de-  
25 faces, destroys, removes, alters, covers, obscures, or

1       obliterates any mark required under this section  
2       shall be liable for a civil penalty of not more than  
3       \$10,000 for each violation. The civil penalty imposed  
4       under this subsection shall be in addition to any  
5       marking duties owed under subsection (i).

6       “Amend the title so as to read: ‘An Act to authorize  
7       appropriations for the United States Customs Service, and  
8       for other purposes.’”.

○