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.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southwest Border Port-of-Entry Infrastructure Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank, done at Washington and Mexico City November 16 and 18, 1993 (TIAS 12516).

(2) BORDER ENVIRONMENT COOPERATION COMMISSION.—The term ''Border Environmental Cooperation Commission'' means the commission established in chapter I of the Agreement.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Customs.

(4) NORTH AMERICAN DEVELOPMENT BANK.—The term ''North American Development Bank'' means the bank established in chapter II of the Agreement.

(5) SOUTHWEST BORDER.—The term ''Southwest border'' has the same meaning given the term ''border region'' in article V of chapter III of the Agreement.

TITLE I—UNITED STATES SOUTHWEST BORDER INFRASTRUCTURE IMPROVEMENT PROJECTS

SEC. 101. UNITED STATES INFRASTRUCTURE PROJECTS.

(a) UPDATE AND DEVELOPMENT OF PRIORITIES.—

(1) IN GENERAL.—The Commissioner of Customs, in consultation with the Secretary of Agriculture and the Commissioner of Immigration and Naturalization, shall, not later than 6 months after the date of enactment of this Act, update the Ports of Entry Infrastructure Assessment Study submitted by the Customs Service pursuant to Public Law 106-58 (commonly known as the ''Treasury and General Government Appropriations Act, 2000'') (113 Stat. 430), and develop priorities for port-of-entry infrastructure improvement projects in the United States along the Southwest border.

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

(3) PORT TO FEDERAL HIGHWAY CONNECTIONS.—The update and priorities developed under

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

(4) PUBLICATION AND OPPORTUNITY TO COMMENT.—Prior to finalizing the update and the priority of projects under paragraph (1), the Commissioner shall publish the proposed update and priorities in the Federal Register and provide an opportunity for public comment.

(b) EFFECT OF PRIORITIZATION.—

(1) IN GENERAL.—The Commissioner shall implement port-of-entry infrastructure improvement projects in the United States along the Southwest border in accordance with the priority of projects developed through the update.

(2) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priorities developed through the update if the Commissioner finds that significantly changed circumstances, such as changes in infrastructure in Mexico, compellingly alter the need for a project in the United States.

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

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $100,000,000 for each of fiscal years 2002 through 2006, and such other sums as may be necessary in any succeeding fiscal year, to carry out the provisions of this title.

TITLE II—SOUTHWEST BORDER INFRASTRUCTURE INCENTIVE INITIATIVE

SEC. 201. SOUTHWEST BORDER INFRASTRUCTURE FUND.

(a) ESTABLISHMENT.—

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

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

(b) CONSULTATION.—In establishing the Fund, the Secretary of Transportation shall consult with the Administrator of the Environmental Protection Agency, and may use the Border Environment Infrastructure Fund of the North American Development Bank as a model.

SEC. 202. SOUTHWEST BORDER INFRASTRUCTURE IMPROVEMENT GRANTS.

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

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—A project described in this subsection means a project to develop the physical port-of-entry infrastructure along the Southwest border in order to reduce the negative environmental impact, particularly with respect to air, soil, and water quality, associated with cross-border transportation.

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

(c) ELIGIBILITY.—For the purposes of this title, an eligible applicant is an entity certified as eligible for project financing by the Border Environmental Cooperation Commission.

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

SEC. 203. APPLICATION.

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

SEC. 204. MATCHING REQUIREMENT.

The Secretary of Transportation may not award a grant under section 202 unless the eligible applicant provides assurances that, with respect to the costs to be incurred in carrying out the project for which the grant is awarded, the eligible applicant will have available (directly or through funding from public or private entities) contributions in an amount equal to not less than $1 for every $1 of United States Government funds provided under the grant.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Transportation $75,000,000 for fiscal year 2002, and such other sums as may be necessary for each of the fiscal years 2003 through 2006, to carry out the provisions of this title.

TITLE III—PORT-OF-ENTRY TECHNOLOGY DEMONSTRATION PROGRAM

SEC. 301. ESTABLISHMENT OF PORT-OF-ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

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

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

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

(2) consist of not less than 67 acres, with the possibility of expansion onto not less than 33 adjacent acres; and

(3) service an average of not more than 31,000 vehicles per month in the 12 months preceding the date of enactment of this Act.

SEC. 302. PORT-OF-ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) PURPOSE.—The purpose of the technology demonstration program is to carry out an ongoing program to test and evaluate new port-of-entry technologies, refine port-of-entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY TESTED.—The Secretary shall test technologies that enhance port-of-entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, and decision support.

SEC. 303. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on the activities of the demonstration site and technology program established under this title.

(b) CONTENT.—The report shall include an assessment by the Secretary of the Treasury of the feasibility of incorporating any demonstrated technology throughout the United States Customs Service.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Treasury $10,000,000 for fiscal year 2002, and such other sums as may be necessary for each of the fiscal years 2003 through 2006, to carry out the provisions of this title.