

“(ee) the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie) located in Oklahoma;

“(ff) the Delaware Tribe of Western Oklahoma; or

“(gg) the Caddo Indian Tribe; and”.

ASIA-PACIFIC ECONOMIC COOPERATION FORUM

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 232, S. Con. Res. 48.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 48) relating to the Asia-Pacific Economic Cooperation Forum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 48

Whereas the Asia-Pacific Economic Cooperation (APEC) Forum was created ten years ago to promote free and open trade and closer economic cooperation among its member countries, as well as to sustain economic growth and equitable development in the region for the common good of its people;

Whereas the twenty-one member countries of APEC account for 55 percent of total world income and 46 percent of global trade;

Whereas APEC leaders are committed to intensifying regional economic interdependence by going forward with measures to expand trade and investment liberalization, pursuing sectoral cooperation and development initiatives, and increasing business facilitation and economic and technical cooperation projects;

Whereas a strong international financial system underpins the economic success of the region;

Whereas, given the challenges presented by the financial crisis, APEC leaders last year pledged to work together in improving and strengthening social safety nets, financial systems and capital markets, trade and investment flows, corporate sector restructuring, the regional scientific and technological base, human resources development, economic infrastructure, and existing business and commercial links for the purpose of supporting sustained growth into the 21st century;

Whereas the outstanding leadership of New Zealand during its year in the APEC Chair has produced a series of important themes for the annual APEC Leaders meeting in Auckland, New Zealand on September 12–14, 1999, including—

(1) expanding opportunities for private sector businesses through the reduction of tariff and nontariff barriers;

(2) strengthening the functioning of regional markets, with a particular focus on

building institutional capacity, making public and corporate economic governance arrangements more transparent, and guiding regulatory reform so that benefits of trade liberalization are maximized; and

(3) broadening support for and understanding of APEC goals to demonstrate the positive benefits of the organization's work for the entire Asia-Pacific community;

Whereas the unique and close partnership between the public and private sectors exhibited through the APEC Forum has contributed to the successful conclusion of the GATT Uruguay Round and agreement over other multilateral trade pacts involving information technology, telecommunications and financial services;

Whereas APEC member countries have provided helpful momentum, through active consideration of the Early Voluntary Sectoral Liberalization plan, to the next round of multilateral trade negotiations scheduled to begin later this year at the Third WTO Ministerial Meeting in Seattle, Washington; and

Whereas the APEC leaders have resolved to achieve the ambitious goal of free and open trade and investment in the region no later than 2010 for the industrialized economies and 2020 for developing economies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress—

(1) acknowledges the importance of greater economic cooperation in the Asia-Pacific region and the key role played by the Asia-Pacific Economic Cooperation (APEC) Forum;

(2) urges the administration fully to support the APEC forum and work to achieve its goals of greater economic growth and stability;

(3) calls upon the administration to continue its close cooperation with the private sector in advancing APEC goals; and

(4) expresses appreciation to the Government and people of New Zealand for their exceptional efforts in chairing the APEC Forum this year.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

TRADE AGENCY AUTHORIZATIONS, DRUG FREE BORDERS, AND PRE- VENTION OF ON-LINE CHILD PORNOGRAPHY ACT OF 1999

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 218, H.R. 1833.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1833) to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Customs Authorization Act of 1999”.

SEC. 2. TABLE OF CONTENTS.

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; internal management improvements.

Sec. 103. Peak hours and investigative resource enhancement for the United States-Mexico and United States-Canada borders, Florida and Gulf Coast seaports, and the Bahamas.

Sec. 104. Agent rotations; elimination of backlog of background investigations.

Sec. 105. Air and marine operation and maintenance funding.

Sec. 106. Compliance with performance plan requirements.

Sec. 107. Transfer of aerostats.

Sec. 108. Report on intelligence requirements.

Sec. 109. Authorization of appropriations for program to prevent child pornography and sexual exploitation of children.

TITLE II—CUSTOMS MANAGEMENT

Sec. 201. Term and salary of the Commissioner of Customs.

Sec. 202. Internal compliance.

Sec. 203. Report on personnel flexibility.

Sec. 204. Report on implementation of personnel allocation model.

Sec. 205. Report on detection and monitoring requirements along the southern tier and northern border.

TITLE III—MARKING VIOLATIONS

Sec. 301. Civil penalties for marking violations.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NON-COMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

“(A) \$1,029,608,384 for fiscal year 2000.

“(B) \$1,111,450,668 for fiscal year 2001.”

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

“(i) \$1,251,794,435 for fiscal year 2000.

“(ii) \$1,348,676,435 for fiscal year 2001.”

(c) AIR AND MARINE INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

“(A) \$229,001,000 for fiscal year 2000.

“(B) \$176,967,000 for fiscal year 2001.”

(d) SUBMISSION OF BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

“(3) By no later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the budget request submitted to the Secretary of the Treasury estimating the amount of funds for that fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).”.

(e) AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZING CUSTOMS SERVICE COMPUTER SYSTEMS.—

(1) **ESTABLISHMENT OF AUTOMATION MODERNIZATION WORKING CAPITAL FUND.**—There is established within the United States Customs Service an Automation Modernization Working Capital Fund (in this section referred to as the "Fund"). The Fund shall consist of the amounts authorized to be appropriated under paragraph (2) and shall be used to implement a program for modernizing the Customs Service computer systems, to maintain the existing computer systems until a modernized computer system is fully implemented, and for related computer system modernization activities.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Fund \$242,000,000 for fiscal year 2000 and \$336,000,000 for fiscal year 2001. The amounts authorized to be appropriated under this paragraph shall remain available until expended.

(3) **REPORT AND AUDIT.**—

(A) **REPORT.**—The Commissioner of Customs shall, not later than March 31 and September 30 of each year, report to the Comptroller General of the United States, the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives and the Committee on Appropriations and the Committee on Finance of the Senate regarding the progress being made in the modernization of the Customs Service computer systems. Each report shall—

(i) include explicit criteria used to identify, evaluate, and prioritize investments for computer systems modernization planned for the Customs Service for each of fiscal years 2000 through 2004;

(ii) provide a schedule for mitigating any deficiencies identified by the General Accounting Office and for developing and implementing all computer systems modernization projects;

(iii) provide a plan for expanding the utilization of private sector sources for the development and integration of computer systems; and

(iv) contain timely schedules and resource allocations for implementing the modernization of the Customs Service computer systems.

(B) **AUDIT.**—Not later than 30 days after a report described in subparagraph (A) is received, the Comptroller General of the United States shall audit the report and shall provide the results of the audit to the Commissioner of Customs, to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives, and to the Committee on Appropriations and the Committee on Finance of the Senate.

SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND GULF COAST SEAPORTS; INTERNAL MANAGEMENT IMPROVEMENTS.

(a) **FISCAL YEAR 2000.**—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, \$116,436,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, and for internal management improvements as follows:

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

(A) \$6,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) \$7,200,000 for 8 1-MeV pallet x-rays.

(E) \$1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) \$600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) \$500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) \$2,450,000 for 7 automated targeting systems.

(I) \$360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) \$480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) \$1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) \$1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) \$180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) \$1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) \$950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) \$390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) \$1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) \$400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) \$1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2-MeV) to 6,000,000 electron volts (6-MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) **UNITED STATES-CANADA BORDER.**—For the United States-Canada border, the following amounts shall be available:

(A) \$3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) \$8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) \$3,600,000 for 4 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) \$240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) \$400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(H) \$600,000 for 30 fiber optic scopes.

(I) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(J) \$3,000,000 for 10 x-ray vans with particle detectors.

(K) \$40,000 for 8 AM loop radio systems.

(L) \$400,000 for 100 vehicle counters.

(M) \$1,200,000 for 12 examination tool trucks.

(N) \$2,400,000 for 3 dedicated commuter lanes.

(O) \$1,050,000 for 3 automated targeting systems.

(P) \$572,000 for 26 weigh-in-motion sensors.

(Q) \$480,000 for 20 portable Treasury Enforcement Communication Systems (TECS).

(3) **FLORIDA AND GULF COAST SEAPORTS.**—For Florida and the Gulf Coast seaports, the following amounts shall be available:

(A) \$4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$7,200,000 for 8 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(4) **INTERNAL MANAGEMENT IMPROVEMENTS.**—For internal management improvements, the following amounts shall be available:

(A) \$2,500,000 for automated systems for management of internal affairs functions.

(B) \$700,000 for enhanced internal affairs file management systems.

(C) \$2,700,000 for enhanced financial asset management systems.

(D) \$6,100,000 for enhanced human resources information system to improve personnel management.

(E) \$2,700,000 for new data management systems for improved performance analysis, internal and external reporting, and data analysis.

(F) \$1,700,000 for automation of the collection of key export data as part of the implementation of the Automated Export system.

(b) **TEXTILE TRANSSHIPMENT.**—Of the amounts made available for fiscal years 2000 and 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, \$3,364,435 shall be available for each fiscal year for textile transshipment enforcement.

(c) **FISCAL YEAR 2001.**—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, \$9,923,500 shall be available for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(d) **ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.**—

(1) **IN GENERAL.**—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

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

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

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

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

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (Q); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS, FLORIDA AND GULF COAST SEAPORTS, AND THE BAHAMAS.

(a) **IN GENERAL.**—Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of

the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, \$181,864,800 for fiscal year 2000 (including \$5,673,600 until expended for investigative equipment) and \$230,983,340 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border, and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.

(3) A net increase of 40 special agents and 10 intelligence analysts to facilitate the activities of the additional inspectors authorized under paragraphs (1) and (2).

(4) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(5) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 support staff positions, and the necessary equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.

(6) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(7) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.

(8) A net increase of 62 special agent positions and 8 intelligence analyst positions for maritime smuggling investigations and interdiction operations.

(9) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(10) The costs incurred as a result of the increase in personnel hired pursuant to this section.

(b) **RELOCATION OF PERSONNEL.**—Notwithstanding any other provision of this section, the Commissioner of Customs may reduce the amount of additional personnel provided for in any of paragraphs (1) through (9) of subsection (a) by not more than 25 percent, if the Commissioner of Customs makes a corresponding increase in the personnel provided for in one or more of such paragraphs (1) through (9).

(c) **NET INCREASE.**—In this section, the term "net increase" means an increase in the number of employees in each position described in this section over the number of employees in each such position that was provided for in fiscal year 1999.

SEC. 104. AGENT ROTATIONS; ELIMINATION OF BACKLOG OF BACKGROUND INVESTIGATIONS.

Of the amounts made available for fiscal years 2000 and 2001 under section 301(b)(1) (A) and (B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1) (A) and (B)), as amended by section 101(a) of this Act, \$16,000,000 for fiscal year 2000 (including \$10,000,000 until expended) and \$6,000,000 for fiscal year 2001 shall be available to—

(1) provide additional funding to clear the backlog of existing background investigations and to provide for background investigations during extraordinary recruitment activities of the agency; and

(2) provide for the interoffice transfer of up to 100 special agents, including costs related to

locations, between the Office of Investigations and Office of Internal Affairs, at the discretion of the Commissioner of Customs.

SEC. 105. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.

(a) **FISCAL YEAR 2000.**—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)), as amended by section 101(c) of this Act, \$130,513,000 shall be available until expended for the following:

(1) \$96,500,000 for Customs Service aircraft restoration and replacement initiative.

(2) \$15,000,000 for increased air interdiction and investigative support activities.

(3) \$19,013,000 for marine vessel replacement and related equipment.

(b) **FISCAL YEAR 2001.**—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, \$75,524,000 shall be available until expended for the following:

(1) \$36,500,000 for Customs Service aircraft restoration and replacement.

(2) \$15,000,000 for increased air interdiction and investigative support activities.

(3) \$24,024,000 for marine vessel replacement and related equipment.

SEC. 106. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

(a) **IN GENERAL.**—As part of the annual performance plan for each of fiscal years 2000 and 2001, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall evaluate the benefits of the activities authorized to be carried out pursuant to sections 102 through 105 of this Act.

(b) **ENFORCEMENT PERFORMANCE MEASURES.**—The Commissioner of Customs is authorized to contract for the review and assessment of enforcement performance goals and indicators required by section 1115 of title 31, United States Code, with experts in the field of law enforcement, from academia, and from the research community. Any contract for review or assessment conducted pursuant to this subsection shall provide for recommendations of additional measures that would improve the enforcement strategy and activities of the Customs Service.

(c) **REPORT TO CONGRESS.**—The Commissioner of Customs shall submit any assessment, review, or report provided for under this section to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 107. TRANSFER OF AEROSTATS.

(a) **IN GENERAL.**—The President shall submit a plan for funding the acquisition and operation by the Customs Service of tethered aerostat radar systems currently operated by the Department of the Air Force and scheduled for replacement in fiscal year 2001.

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

SEC. 108. REPORT ON INTELLIGENCE REQUIREMENTS.

The Commissioner of Customs shall, not later than 1 year of the date of enactment of this Act, provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with—

(1) an assessment of the intelligence- and information-gathering capabilities and needs of the Customs Service;

(2) the impact of any limitations on the intelligence and information gathering capabilities necessary for adequate enforcement of the customs laws of the United States and other laws enforced by the Customs Service; and

(3) a report detailing the Commissioner's recommendations for improving the agency's capabilities.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY AND SEXUAL EXPLOITATION OF CHILDREN.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Customs Service \$10,000,000 for fiscal year 2000 to carry out the program to prevent child pornography and sexual exploitation of children established by the Child Cyber-Smuggling Center of the Customs Service.

(b) **USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.**—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

TITLE II—CUSTOMS MANAGEMENT

SEC. 201. TERM AND SALARY OF THE COMMISSIONER OF CUSTOMS.

(a) **TERM.**—
(1) **GENERAL REQUIREMENTS.**—The first section of the Act entitled "An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury", approved March 3, 1927 (19 U.S.C. 2071) is amended—

(A) by striking "There shall be" and inserting "(a) IN GENERAL.—There shall be";

(B) in the second sentence—

(i) by inserting "for a term of 5 years" after "Senate";

(ii) by striking "and" at the end of paragraph (2);

(iii) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) have demonstrated ability in management."; and

(C) by adding at the end the following:

"(b) **VACANCY.**—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed only for the remainder of that term.

"(c) **REMOVAL.**—The Commissioner may be removed at the will of the President.

"(d) **REAPPOINTMENT.**—The Commissioner may be appointed to more than one 5-year term."

(2) **CURRENT OFFICE HOLDER.**—In the case of an individual serving as the Commissioner of Customs on the date of enactment of this Act, who was appointed to such position before such date, the 5-year term required by the first section of the Act entitled "An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury", as amended by this section, shall begin as of the date of such appointment.

(b) **SALARY.**—

(1) **IN GENERAL.**—

(A) Section 5315 of title 5, United States Code, is amended by striking the following item:

"Commissioner of Customs, Department of the Treasury."

(B) Section 5314 of title 5, United States Code, is amended by inserting at the end the following item:

"Commissioner of Customs, Department of the Treasury."

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on October 1, 1999.

SEC. 202. INTERNAL COMPLIANCE.

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

(1) establish, within the Office of Internal Affairs, a program of internal compliance designed to enhance the performance of the basic mission

of the Customs Service to ensure compliance with all applicable laws and, in particular, with the implementation of title VI of the North American Free Trade Agreement Implementation Act (commonly referred to as the "Customs Modernization Act");

(2) institute a program of ongoing self-assessment and conduct a review on an annual basis of the performance of all core functions of the Customs Service;

(3) identify deficiencies in the current performance of the Customs Service with respect to commercial operations, enforcement, and internal management and propose specific corrective measures to address such concerns; and

(4) within 6 months of the date of enactment of this Act, and annually thereafter, provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with a report on the programs and reviews conducted under this subsection.

(b) **EVALUATION AND REPORT ON BEST PRACTICES.**—The Commissioner of Customs shall, as part of the development of an improved system of internal compliance, initiate a review of current best practices in internal compliance programs among government agencies and private sector organizations and, not later than 18 months after the date of enactment of this Act, report on the results of the review to the Committee on Governmental Affairs and the Committee on Finance of the Senate and the Committee on Government Reform and the Committee on Ways and Means of the House of Representatives.

(c) **REVIEW BY INSPECTOR GENERAL.**—The Inspector General of the Department of the Treasury shall review and audit the implementation of the programs described in subsection (a) as part of the Inspector General's report required under the Inspector General Act of 1978 (5 U.S.C. App).

SEC. 203. REPORT ON PERSONNEL FLEXIBILITY.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Governmental Affairs and the Committee on Finance of the Senate and the Committee on Government Reform and the Committee on Ways and Means of the House of Representatives a report on the Commissioner's recommendations for modifying existing personnel rules to permit more effective management of the resources of the Customs Service and for improving the ability of the Customs Service to fulfill its mission. The report shall also include an analysis of why the flexibility provided under existing personnel rules is insufficient to meet the needs of the Customs Service.

SEC. 204. REPORT ON IMPLEMENTATION OF PERSONNEL ALLOCATION MODEL.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the implementation of the personnel allocation model under development in the Customs Service.

SEC. 205. REPORT ON DETECTION AND MONITORING REQUIREMENTS ALONG THE SOUTHERN TIER AND NORTHERN BORDER.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the requirements of the Customs Service for counterdrug detection and monitoring of the arrival zones along the southern tier and northern border of the United States. The report shall include an assessment of—

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

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

(3) any limitations imposed on the enforcement activities of the Customs Service as a result of the reliance on detection and monitoring equipment, technology, and personnel operated under the auspices of the Department of Defense.

TITLE III—MARKING VIOLATIONS

SEC. 301. CIVIL PENALTIES FOR MARKING VIOLATIONS.

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

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

(2) by striking "Any person" and inserting "(1) IN GENERAL.—Any person";

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

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

"(2) **CIVIL PENALTIES.**—Any person who defaces, destroys, removes, alters, covers, obscures, or obliterates any mark required under this section shall be liable for a civil penalty of not more than \$10,000 for each violation. The civil penalty imposed under this subsection shall be in addition to any marking duties owed under subsection (1)."

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (H.R. 1833), as amended, was passed.

The title was amended so as to read: "An Act to authorize appropriations for the United States Customs Service, and for other purposes."

UNANIMOUS CONSENT AGREEMENT—H.R. 1905

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that when the Senate receives from the House the conference report to accompany H.R. 1905, it be considered and agreed to, the motion to consider be laid upon the table, and that any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I will be pleased to join the Chairman of the Legislative Branch Appropriations Subcommittee, Senator BENNETT, in presenting to the Senate what I believe is a very good conference agreement on the Fiscal Year 2000 budget.

Under the strong leadership of Chairman BENNETT, as well as Mr. TAYLOR, the House Appropriations Subcommittee Chairman, and Mr. PASTOR, the Ranking Democrat on the House Subcommittee, we were able to work our differences in a way that ensures that the essential functions for which appropriations are contained in this bill are able to continue their oper-

ations and to carry out their responsibilities efficiently and without any diminution of service.

In all, the recommendations that we are presenting today total just over \$2.45 billion, almost \$21 million below the Subcommittee's allocation. In reaching compromises on the various issues in the conference, Chairman BENNETT was very careful to ensure that the cuts did not unnecessarily impair the programs where those cut were taken. I shared the concerns of the Chairman that these reductions be carefully considered as to their effects, before they were agreed to.

In his statement, Chairman BENNETT has already laid out to the Senate the details of the conference agreement, which I will not repeat at this time.

I wish to congratulate the Chairman, Senator BENNETT, for his hard work throughout the year on this bill. This was my first year to serve as the Ranking Member of this important Subcommittee, and Senator BENNETT could not have been more helpful to me and my staff. It has been a real pleasure to work at his side on this bill and I look forward to continuing to work with him on all matters that are in the jurisdiction of the Legislative Branch Appropriations Subcommittee.

Finally, Mr. President, I thank the staff who have worked so diligently throughout the year in assisting Chairman BENNETT and myself—Mary Dewald, who recently left the Committee staff, Edie Stanley, her successor, and Jim English, as well as Chris Kierig of my staff. They, together with Christine Ciccone, the Majority Clerk of the Subcommittee, and Chip Yost of Senator BENNETT's staff, have carried out their responsibilities in their usual, highly professional manner. Our staffs work together, as do Chairman BENNETT and I, in a non-partisan way so that the decisions that we have made throughout the year have been reached based on objective considerations, rather than partisanship.

Mr. President, I urge adoption of this conference report.

EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that H.R. 2565 be discharged from the Banking Committee, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2565) to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.