

118TH CONGRESS
1ST SESSION

S. 243

To require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Mr. LANKFORD (for himself, Ms. SINEMA, Mr. CORNYN, Ms. HASSAN, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities.

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. PORT MAINTENANCE.**

4 (a) IN GENERAL.—Section 411(o) of the Homeland
5 Security Act of 2002 (6 U.S.C. 211(o)) is amended—

6 (1) by redesignating paragraph (3) as para-
7 graph (4); and

1 (2) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) PORT MAINTENANCE.—

4 “(A) PROCEDURES.—

5 “(i) IN GENERAL.—Subject to sub-
6 paragraphs (B) and (C), the Commis-
7 sioner, in consultation with the Adminis-
8 trator of the General Services Administra-
9 tion—

10 “(I) shall establish procedures by
11 which U.S. Customs and Border Pro-
12 tection may conduct maintenance and
13 repair projects costing not more than
14 \$300,000 at any Federal Government-
15 owned port of entry where the Office
16 of Field Operations performs any of
17 the activities described in subpara-
18 graphs (A) through (G) of subsection
19 (g)(3); and

20 “(II) is authorized to perform
21 such maintenance and repair projects,
22 subject to the procedures described in
23 clause (ii).

1 “(ii) PROCEDURES DESCRIBED.—The
2 procedures established pursuant to clause
3 (i) shall include—

4 “(I) a description of the types of
5 projects that may be carried out pur-
6 suant to clause (i); and

7 “(II) the procedures for identi-
8 fying and addressing any impacts on
9 other tenants of facilities where such
10 projects will be carried out.

11 “(iii) PUBLICATION OF PROCE-
12 DURES.—All of the procedures established
13 pursuant to clause (i) shall be published in
14 the Federal Register.

15 “(iv) RULE OF CONSTRUCTION.—The
16 publication of procedures under clause (iii)
17 shall not impact the authority of the Com-
18 missioner to update such procedures, in
19 consultation with the Administrator, as ap-
20 propriate.

21 “(B) LIMITATION.—The authority under
22 subparagraph (A) shall only be available for
23 maintenance and repair projects involving exist-
24 ing infrastructure, property, and capital at any
25 port of entry described in subparagraph (A).

1 “(C) ANNUAL ADJUSTMENTS.—The Com-
2 missioner shall annually adjust the amount de-
3 scribed in subparagraph (A) by the percentage
4 (if any) by which the Consumer Price Index for
5 All Urban Consumers for the month of June
6 preceding the date on which such adjustment
7 takes effect exceeds the Consumer Price Index
8 for All Urban Consumers for the same month
9 of the preceding calendar year.

10 “(D) RULE OF CONSTRUCTION.—Nothing
11 in this paragraph may be construed to affect
12 the availability of funding from—

13 “(i) the Federal Buildings Fund es-
14 tablished under section 592 of title 40,
15 United States Code;

16 “(ii) the Donation Acceptance Pro-
17 gram established under section 482; or

18 “(iii) any other statutory authority or
19 appropriation for projects described in sub-
20 paragraph (A).”.

21 (b) REPORTING.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of this Act, and annually
24 thereafter, the Commissioner of U.S. Customs and
25 Border Protection shall submit a report to the Com-

1 committee on Homeland Security and Governmental Af-
2 fairs of the Senate, the Committee on Appropria-
3 tions of the Senate, the Committee on Homeland Se-
4 curity of the House of Representatives, and the
5 Committee on Appropriations of the House of Rep-
6 resentatives that includes the elements described in
7 paragraph (2).

8 (2) ELEMENTS.—The report required under
9 paragraph (1) shall include—

10 (A) a summary of all maintenance projects
11 conducted pursuant to section 411(o)(3) of the
12 Homeland Security Act of 2002, as added by
13 subsection (a) during the prior fiscal year;

14 (B) the cost of each project referred to in
15 subparagraph (A);

16 (C) the account that funded each such
17 project, if applicable; and

18 (D) any budgetary transfers, if applicable,
19 that funded each such project.

20 (c) TECHNICAL AMENDMENT.—Section 422(a) of the
21 Homeland Security Act of 2002 (6 U.S.C. 232(a)) is
22 amended by inserting “section 411(o)(3) of this Act and”
23 after “Administrator under”.

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