

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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 \_\_\_\_\_

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**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        mittee 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”.