

117TH CONGRESS  
2D SESSION

# S. 3903

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## AN ACT

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,*

1 **SECTION 1. PORT MAINTENANCE.**

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

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

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

8 “(3) PORT MAINTENANCE.—

9 “(A) PROCEDURES.—

10 “(i) IN GENERAL.—Subject to sub-  
11 paragraphs (B) and (C), the Commis-  
12 sioner, in consultation with the Adminis-  
13 trator of the General Services Administra-  
14 tion—

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

25 “(II) is authorized to perform  
26 such maintenance and repair projects,

1 subject to the procedures described in  
2 clause (ii).

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

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

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

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

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

23 “(B) LIMITATION.—The authority under  
24 subparagraph (A) shall only be available for  
25 maintenance and repair projects involving exist-

ing infrastructure, property, and capital at any port of entry described in subparagraph (A).

“(C) ANNUAL ADJUSTMENTS.—The Commissioner shall annually adjust the amount described in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year.

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

“(i) the Federal Buildings Fund established under section 592 of title 40, United States Code;

“(ii) the Donation Acceptance Program established under section 482; or

“(iii) any other statutory authority or appropriation for projects described in subparagraph (A).”.

(b) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually

1       thereafter, the Commissioner of U.S. Customs and  
2       Border Protection shall submit a report to the Com-  
3       mittee on Homeland Security and Governmental Af-  
4       fairs of the Senate, the Committee on Appropria-  
5       tions of the Senate, the Committee on Homeland Se-  
6       curity of the House of Representatives, and the  
7       Committee on Appropriations of the House of Rep-  
8       resentatives that includes the elements described in  
9       paragraph (2).

10       (2) ELEMENTS.—The report required under  
11       paragraph (1) shall include—

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

16               (B) the cost of each project referred to in  
17               subparagraph (A);

18               (C) the account that funded each such  
19               project, if applicable; and

20               (D) any budgetary transfers, if applicable,  
21               that funded each such project.

22       (c) TECHNICAL AMENDMENT.—Section 422(a) of the  
23       Homeland Security Act of 2002 (6 U.S.C. 232(a)) is

- 1 amended by inserting “section 411(o)(3) of this Act and”
- 2 after “Administrator under”.

Passed the Senate December 6, 2022.

Attest:

*Secretary.*



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