

112TH CONGRESS
2D SESSION

H. R. 5968

To amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to authorize the Commissioner of U.S. Customs and Border Protection to enter into reimbursable fee agreements for the provision of additional services at Customs ports of entry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2012

Mr. POSEY (for himself and Mr. BUCHANAN) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to authorize the Commissioner of U.S. Customs and Border Protection to enter into reimbursable fee agreements for the provision of additional services at Customs ports of entry, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Services to Allow New
5 Destinations for Tourism Act” or “STAND for Tourism
6 Act”.

1 **SEC. 2. REIMBURSABLE FEE AGREEMENTS FOR PROVISION**
2 **OF ADDITIONAL CUSTOMS SERVICES.**

3 (a) IN GENERAL.—Section 13031 of the Consolidated
4 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
5 58c) is amended by adding at the end the following:

6 “(1) REIMBURSABLE FEE AGREEMENTS FOR PROVI-
7 SION OF ADDITIONAL CUSTOMS SERVICES.—

8 “(1) IN GENERAL.—Notwithstanding any other
9 provision of law, and upon the request of any person
10 requesting Customs services, the Commissioner may
11 enter into an agreement with such person under
12 which the person agrees to pay a fee to reimburse
13 U.S. Customs and Border Protection for the provi-
14 sion of additional services and any other costs in-
15 curred by U.S. Customs and Border Protection re-
16 lating to such services at Customs ports of entry.

17 “(2) ACCOUNTS AND USE OF FUNDS.—Funds
18 collected pursuant to any agreement entered into
19 under this subsection—

20 “(A) shall be credited to accounts that
21 may be established by the Commissioner for the
22 provision of U.S. Customs and Border Protec-
23 tion services and remain available until ex-
24 pended for the purposes described in paragraph
25 (1), without fiscal year limitation; and

1 “(B) shall be used to pay any expenses in-
2 curred by U.S. Customs and Border Protection
3 in providing additional Customs services and
4 any other costs incurred by U.S. Customs and
5 Border Protection relating to such services at
6 Customs ports of entry.

7 “(3) AMOUNT AND PAYMENT OF FEES.—The
8 amount of the fee to be charged pursuant to an
9 agreement entered into under this subsection shall
10 be paid by each person requesting additional Cus-
11 toms services and shall include the salary and ex-
12 penses of individuals employed by U.S. Customs and
13 Border Protection to provide such Customs services
14 and other costs incurred by U.S. Customs and Bor-
15 der Protection relating to such services at Customs
16 ports of entry, such as temporary placement or per-
17 manent relocation of those individuals.

18 “(4) FAILURE TO PAY FEE.—Any person who,
19 after notice and demand for payment of any fee
20 charged under subsection (a) of this section, fails to
21 pay such fee in a timely manner shall—

22 “(A) be guilty of a misdemeanor, and if
23 convicted thereof shall pay a fine that does not
24 exceed an amount equal to 200 percent of such
25 fee in addition to court costs; and

1 “(B) be liable for a penalty or liquidated
2 damage equal to 2 times the amount of the fee
3 in addition to court costs.

4 Any amount collected pursuant to this paragraph
5 shall be deposited into 1 or more of the accounts es-
6 tablished under paragraph (2) and shall be available
7 as described therein.

8 “(5) PROVISION OF FACILITIES AND EQUIP-
9 MENT.—Each facility at which such Customs serv-
10 ices are performed shall provide, maintain, and
11 equip, without cost to the Federal Government, such
12 facilities in accordance with U.S. Customs and Bor-
13 der Protection specifications.

14 “(6) DEFINITIONS.—In this subsection—

15 “(A) the term ‘Commissioner’ means the
16 Commissioner of U.S. Customs and Border
17 Protection of the Department of Homeland Se-
18 curity; and

19 “(B) the term ‘person’ means—

20 “(i) a natural person; or

21 “(ii) a corporation, partnership, trust,
22 association, or any other public or private
23 entity, including any foreign government or
24 transit authority, or any officer, employee,
25 or agent thereof.”.

1 (b) CONFORMING AMENDMENT.—

2 (1) IN GENERAL.—Section 13031(e)(2)(A) of
3 the Consolidated Omnibus Budget Reconciliation Act
4 of 1985 (19 U.S.C. 58c(e)(2)(A)) is amended by
5 adding at the end before the period the following: “,
6 or any agreement entered into pursuant to sub-
7 section (1) of this section”.

8 (2) EFFECTIVE DATE.—The amendment made
9 by paragraph (1) shall take effect on October 1,
10 2012.

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