

113TH CONGRESS  
1ST SESSION

# H. R. 441

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2013

Mr. POSEY introduced the following bill; which was referred to the Committee on Ways and Means

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## 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       “**(l) 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 (l) of this section”.

8                 (2) EFFECTIVE DATE.—The amendment made  
9                 by paragraph (1) shall take effect on October 1,  
10                 2013.

