

113TH CONGRESS
1ST SESSION

S. 178

To provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2013

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border 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 “Cross-Border Trade
5 Enhancement Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR; ADMINISTRATION.—The
 2 terms “Administrator” and “Administration” mean
 3 the Administrator of General Services and the Gen-
 4 eral Services Administration, respectively.

5 (2) PERSON.—The term “person” means—

6 (A) an individual; or

7 (B) a corporation, partnership, trust, asso-
 8 ciation, or any other public or private entity, in-
 9 cluding a State or local government.

10 (3) SECRETARY.—The term “Secretary” means
 11 the Secretary of Homeland Security.

12 **SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS FOR THE**
 13 **PROVISION OF CERTAIN SERVICES AT LAND**
 14 **BORDER PORTS OF ENTRY.**

15 (a) AUTHORITY TO ENTER INTO AGREEMENTS.—

16 (1) IN GENERAL.—Notwithstanding section 451
 17 of the Tariff Act of 1930 (19 U.S.C. 1451), the Sec-
 18 retary may, during the 10-year period beginning on
 19 the date of the enactment of this Act and upon the
 20 request of any person, enter into an agreement with
 21 that person under which—

22 (A) U.S. Customs and Border Protection
 23 will provide services described in paragraph (2)
 24 at a land border port of entry; and

1 (B) that person will pay a fee imposed
2 under subsection (b) to reimburse U.S. Cus-
3 toms and Border Protection for the costs in-
4 curred in providing such services.

5 (2) SERVICES DESCRIBED.—Services described
6 in this paragraph are any services related to customs
7 and immigration matters provided by an employee or
8 contractor of U.S. Customs and Border Protection
9 at land border ports of entry.

10 (3) LIMITATION.—Nothing in this paragraph
11 may be construed to reduce the responsibilities or
12 duties of U.S. Customs and Border Protection to
13 provide services at land border ports of entry that
14 have been authorized or mandated by law and are
15 funded in any appropriation Act or from any ac-
16 counts in the Treasury of the United States derived
17 by the collection of fees.

18 (b) FEE.—

19 (1) IN GENERAL.—The Secretary shall impose
20 a fee on a person requesting the provision of services
21 by U.S. Customs and Border Protection pursuant to
22 an agreement entered into under subsection (a) to
23 reimburse U.S. Customs and Border Protection for
24 the costs of providing such services, including—

1 (A) the salaries and expenses of the em-
2 ployees or contractors of U.S. Customs and
3 Border Protection that provide such services
4 and temporary placement or relocation costs for
5 those employees or contractors; and

6 (B) any other costs incurred by U.S. Cus-
7 toms and Border Protection in providing serv-
8 ices pursuant to agreements entered into under
9 subsection (a).

10 (2) FAILURE TO PAY FEE.—U.S. Customs and
11 Border Protection shall terminate the provision of
12 services pursuant to an agreement entered into
13 under subsection (a) with a person that, after receiv-
14 ing notice from the Secretary that a fee imposed
15 under paragraph (1) is due, fails to pay the fee in
16 a timely manner.

17 (3) RECEIPTS CREDITED AS OFFSETTING COL-
18 LECTIONS.—Notwithstanding section 3302 of title
19 31, United States Code, a fee collected under para-
20 graph (1) pursuant to an agreement entered into
21 under subsection (a) shall—

22 (A) be credited as an offsetting collection
23 to the account that finances the salaries and ex-
24 penses of U.S. Customs and Border Protection;

1 (B) be available for expenditure only to
 2 pay the costs of providing services pursuant to
 3 that agreement; and

4 (C) remain available until expended with-
 5 out fiscal year limitation.

6 **SEC. 4. EVALUATION OF ALTERNATIVE FINANCING AR-**
 7 **RANGEMENTS FOR CONSTRUCTION AND**
 8 **MAINTENANCE OF INFRASTRUCTURE AT**
 9 **LAND BORDER PORTS OF ENTRY.**

10 (a) IN GENERAL.—Not later than 180 days after the
 11 date of the enactment of this Act, the Administrator shall
 12 establish procedures for evaluating a proposal submitted
 13 by any person to—

14 (1) enter into a cost-sharing or reimbursement
 15 agreement with the Administration to facilitate the
 16 construction or maintenance of a facility or other in-
 17 frastructure at a land border port of entry; or

18 (2) provide to the Administration an uncondi-
 19 tional gift of property pursuant to section 3175 of
 20 title 40, United States Code, to be used in the con-
 21 struction or maintenance of a facility or other infra-
 22 structure at a land border port of entry.

23 (b) REQUIREMENTS.—The procedures established
 24 under subsection (a) shall provide, at a minimum, for the
 25 following:

1 (1) Not later than 90 days after receiving a
2 proposal pursuant to subsection (a) with respect to
3 the construction or maintenance of a facility or
4 other infrastructure at a land border port of entry,
5 the Administrator shall—

6 (A) make a determination with respect to
7 whether or not to approve the proposal; and

8 (B) notify the person that submitted the
9 proposal of—

10 (i) the determination; and

11 (ii) if the Administrator did not ap-
12 prove the proposal, the reasons for the de-
13 termination.

14 (2) In determining whether or not to approve
15 such a proposal, the Administrator shall consider—

16 (A) the impact of the proposal on reducing
17 wait times at that port of entry and other ports
18 of entry on the same border;

19 (B) the potential of the proposal to in-
20 crease trade and travel efficiency through added
21 capacity; and

22 (C) the potential of the proposal to en-
23 hance the security of the port of entry.

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