

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3903

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LANKFORD (for himself and Ms.
SINEMA)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

8 (2) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) PORT MAINTENANCE.—

1 “(A) PROCEDURES.—

2 “(i) IN GENERAL.—Subject to sub-
3 paragraphs (B) and (C), the Commis-
4 sioner, in consultation with the Adminis-
5 trator of the General Services Administra-
6 tion—

7 “(I) shall establish procedures by
8 which U.S. Customs and Border Pro-
9 tection may conduct maintenance and
10 repair projects costing not more than
11 \$300,000 at any Federal Government-
12 owned port of entry where the Office
13 of Field Operations performs any of
14 the activities described in subpara-
15 graphs (A) through (G) of subsection
16 (g)(3); and

17 “(II) is authorized to perform
18 such maintenance and repair projects,
19 subject to the procedures described in
20 clause (ii).

21 “(ii) PROCEDURES DESCRIBED.—The
22 procedures established pursuant to clause
23 (i) shall include—

1 “(I) a description of the types of
2 projects that may be carried out pur-
3 suant to clause (i); and

4 “(II) the procedures for identi-
5 fying and addressing any impacts on
6 other tenants of facilities where such
7 projects will be carried out.

8 “(iii) PUBLICATION OF PROCE-
9 DURES.—All of the procedures established
10 pursuant to clause (i) shall be published in
11 the *Federal Register*.

12 “(iv) RULE OF CONSTRUCTION.—The
13 publication of procedures under clause (iii)
14 shall not impact the authority of the Com-
15 missioner to update such procedures, in
16 consultation with the Administrator, as ap-
17 propriate.

18 “(B) LIMITATION.—The authority under
19 subparagraph (A) shall only be available for
20 maintenance and repair projects involving exist-
21 ing infrastructure, property, and capital at any
22 port of entry described in subparagraph (A).

23 “(C) ANNUAL ADJUSTMENTS.—The Com-
24 missioner shall annually adjust the amount de-
25 scribed in subparagraph (A) by the percentage

1 (if any) by which the Consumer Price Index for
2 All Urban Consumers for the month of June
3 preceding the date on which such adjustment
4 takes effect exceeds the Consumer Price Index
5 for All Urban Consumers for the same month
6 of the preceding calendar year.

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

10 “(i) the Federal Buildings Fund es-
11 tablished under section 592 of title 40,
12 United States Code;

13 “(ii) the Donation Acceptance Pro-
14 gram established under section 482; or

15 “(iii) any other statutory authority or
16 appropriation for projects described in sub-
17 paragraph (A).”.

18 (b) REPORTING.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of the enactment of this Act, and annually
21 thereafter, the Commissioner of U.S. Customs and
22 Border Protection shall submit a report to the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs of the Senate, the Committee on Appropria-
25 tions of the Senate, the Committee on Homeland Se-

1 curity of the House of Representatives, and the
2 Committee on Appropriations of the House of Rep-
3 resentatives that includes the elements described in
4 paragraph (2).

5 (2) ELEMENTS.—The report required under
6 paragraph (1) shall include—

7 (A) a summary of all maintenance projects
8 conducted pursuant to section 411(o)(3) of the
9 Homeland Security Act of 2002, as added by
10 subsection (a) during the prior fiscal year;

11 (B) the cost of each project referred to in
12 subparagraph (A);

13 (C) the account that funded each such
14 project, if applicable; and

15 (D) any budgetary transfers, if applicable,
16 that funded each such project.

17 (c) TECHNICAL AMENDMENT.—Section 422(a) of the
18 Homeland Security Act of 2002 (6 U.S.C. 232(a)) is
19 amended by inserting “section 411(o)(3) of this Act and”
20 after “Administrator under”.