

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3279

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.

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## IN THE SENATE OF THE UNITED STATES

JUNE 7, 2012

Mr. CORNYN (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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 2012”.

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 (b) FEE.—

11 (1) IN GENERAL.—The Secretary shall impose  
12 a fee on a person requesting the provision of services  
13 by U.S. Customs and Border Protection pursuant to  
14 an agreement entered into under subsection (a) to  
15 reimburse U.S. Customs and Border Protection for  
16 the costs of providing such services, including—

17 (A) the salaries and expenses of the em-  
18 ployees or contractors of U.S. Customs and  
19 Border Protection that provide such services  
20 and temporary placement or relocation costs for  
21 those employees or contractors; and

22 (B) any other costs incurred by U.S. Cus-  
23 toms and Border Protection in providing serv-  
24 ices pursuant to agreements entered into under  
25 subsection (a).

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

8           (3) RECEIPTS CREDITED AS OFFSETTING COL-  
9           LECTIONS.—Notwithstanding section 3302 of title  
10          31, United States Code, a fee collected under para-  
11          graph (1) pursuant to an agreement entered into  
12          under subsection (a) shall—

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

16                   (B) be available for expenditure only to  
17                   pay the costs of providing services pursuant to  
18                   that agreement; and

19                   (C) remain available until expended with-  
20                   out fiscal year limitation.

1 **SEC. 4. EVALUATION OF ALTERNATIVE FINANCING AR-**  
2 **RANGEMENTS FOR CONSTRUCTION AND**  
3 **MAINTENANCE OF INFRASTRUCTURE AT**  
4 **LAND BORDER PORTS OF ENTRY.**

5 (a) **IN GENERAL.**—Not later than 180 days after the  
6 date of the enactment of this Act, the Administrator shall  
7 establish procedures for evaluating a proposal submitted  
8 by any person to—

9 (1) enter into a cost-sharing or reimbursement  
10 agreement with the Administration to facilitate the  
11 construction or maintenance of a facility or other in-  
12 frastructure at a land border port of entry; or

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

18 (b) **REQUIREMENTS.**—The procedures established  
19 under subsection (a) shall provide, at a minimum, for the  
20 following:

21 (1) Not later than 90 days after receiving a  
22 proposal pursuant to subsection (a) with respect to  
23 the construction or maintenance of a facility or  
24 other infrastructure at a land border port of entry,  
25 the Administrator shall—

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

3 (B) notify the person that submitted the  
4 proposal of—

5 (i) the determination; and

6 (ii) if the Administrator did not ap-  
7 prove the proposal, the reasons for the de-  
8 termination.

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

11 (A) the impact of the proposal on reducing  
12 wait times at that port of entry and other ports  
13 of entry on the same border;

14 (B) the potential of the proposal to in-  
15 crease trade and travel efficiency through added  
16 capacity; and

17 (C) the potential of the proposal to en-  
18 hance the security of the port of entry.

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