

118TH CONGRESS  
1ST SESSION

# H. R. 6409

To amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide authority to adjust the rate of merchandise processing fees to offset the capital costs incurred by U.S. Customs and Border Protection, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2023

Ms. LEE of Florida (for herself and Ms. PEREZ) 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 provide authority to adjust the rate of merchandise processing fees to offset the capital costs incurred by U.S. Customs and Border Protection, 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 “CBP SPACE Act”.

1 **SEC. 2. AUTHORITY TO ADJUST THE RATE OF MERCHAN-**  
2 **DISE PROCESSING FEES TO OFFSET THE CAP-**  
3 **ITAL COSTS INCURRED BY U.S. CUSTOMS AND**  
4 **BORDER PROTECTION; MODIFICATION TO**  
5 **DISPOSITION OF CUSTOMS USER FEES.**

6 (a) IN GENERAL.—Section 13031 of the Consolidated  
7 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.  
8 58c) is amended—

9 (1) in subsection (a)(9)(B)(i), by striking “sala-  
10 ries and expenses” and inserting “salaries, expenses,  
11 and capital costs”; and

12 (2) in subsection (f)(3)(A)(i)—

13 (A) in subclause (IV), by striking “, and”  
14 at the end;

15 (B) in subclause (V), by striking the  
16 comma at the end and inserting “, and”; and

17 (C) by adding at the end the following:

18 “(VI) paying capital costs associ-  
19 ated with passenger inspection serv-  
20 ices,”.

21 (b) EFFECTIVE DATE.—The amendments made by  
22 subsection (a) shall take effect on the date that is 180  
23 days after the date of the enactment of this Act.

24 (c) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that the Secretary of the Treasury and the Commis-  
26 sioner of U.S. Customs and Border Protection should

1 work jointly to set an appropriate level for merchandise  
2 processing fees charged and collected under 13031 of the  
3 Consolidated Omnibus Budget Reconciliation Act of 1985  
4 (19 U.S.C. 58c), as amended by subsection (a), such that  
5 U.S. Customs and Border Protection is able to adequately  
6 fund equipment upgrades and facilities construction, im-  
7 provement, and maintenance at United States sea ports  
8 of entry.

9 **SEC. 3. PROHIBITION ON PROVISION OR MAINTENANCE OF**  
10 **ADMINISTRATIVE, TRAINING, OR REC-**  
11 **REATIONAL FACILITIES AT SEA PORTS OF**  
12 **ENTRY FOR U.S. CUSTOMS AND BORDER PRO-**  
13 **TECTION.**

14 (a) IN GENERAL.—The Commissioner of U.S. Cus-  
15 toms and Border Protection may not request or otherwise  
16 require a sea port of entry to provide or maintain adminis-  
17 trative, training, or recreational facilities at the port of  
18 entry for purposes of facilitating inspection services of  
19 U.S. Customs and Border Protection.

20 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
21 tion shall be construed to modify or otherwise affect the  
22 authority contained in section 482 of the Homeland Secu-  
23 rity Act of 2002 (6 U.S.C. 301a).

1 **SEC. 4. ANNUAL REPORT ON USE OF PROCEEDS OF MER-**  
2 **CHANDISE PROCESSING FEE.**

3 (a) IN GENERAL.—Not later than one year after the  
4 date of the enactment of this Act, and annually thereafter,  
5 the Commissioner of U.S. Customs and Border Protection  
6 shall submit to the appropriate congressional committees  
7 a report—

8 (1) specifying the amount of proceeds from the  
9 merchandise processing fee collected under section  
10 13031(a)(9) of the Consolidated Omnibus Budget  
11 Reconciliation Act of 1985, as amended by section  
12 1, during the year preceding submission of the re-  
13 port;

14 (2) specifying the amount of such proceeds di-  
15 rected to inspection facilities at sea ports of entry;  
16 and

17 (3) describing the outstanding capital needs of  
18 such inspection facilities.

19 (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
20 DEFINED.—In this section, the term “appropriate con-  
21 gressional committees” means—

22 (1) the Committee on Finance, the Committee  
23 on Homeland Security and Governmental Affairs,  
24 and the Committee on Appropriations of the Senate;  
25 and

1           (2) the Committee on Ways and Means, the  
2       Committee on Homeland Security, and the Com-  
3       mittee on Appropriations of the House of Represent-  
4       atives.

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