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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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March 15, 2023

The Honorable Robin Carnahan
Administrator
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Administrator Carnahan:

We write today to request information regarding the General Services Administration's (GSA) management of government-owned land ports of entry (LPOEs) along the southern and northern borders. We had the opportunity to discuss with the Public Buildings Service our concerns about U.S. Customs and Border Protection's (CBP) infrastructure at LPOEs during a HSGAC subcommittee hearing in November 2021. As the Title 42 order is set to terminate on May 11, 2023, LPOEs along the southern border in particular are preparing to navigate a potential influx in migration in addition to their normal trade, travel, and security missions. We are concerned that GSA's work has not provided CBP with what they need at the time they need it for the challenges they face at our ports.

GSA informed Congress that "Steady global and regional growth has funneled more people and goods through the Nation's aging land port of entry infrastructure than it is able to handle. Two-thirds of our land ports of entry have not had capital improvement over the last decade."¹ Many LPOEs were built prior to the North American Free Trade Agreement (NAFTA), and many have not seen modernizations to reflect our new trade obligations under the U.S.-Mexico-Canada agreement (USMCA). A recent Atlantic Council report found a "10 minute reduction in wait times [at LPOEs] would lead to an average of 388 new loaded containers entering the United States from Mexico monthly. This translates to \$25.9 million worth of cargo crossing through the United States' four border states" and into the interior.² Our LPOEs could help us address the continued supply chain hurdles our country is facing while expanding trade flows with Mexico and Central America; however, our aging LPOE infrastructure is holding back our ability to nimbly respond shifting supply chains and expand cross-border trade.

In addition to its impact on our trade obligations, we are concerned about the impact of aging port infrastructure on our cross-border security needs. CBP interdicted nearly 12,000 pounds of fentanyl at LPOEs along the southern border in FY2022, and CBP has already interdicted almost

¹ U.S. General Services Administration, "Report on the State of Land Ports of Entry Portfolio," Prepared for House and Senate Committees on Appropriations Subcommittees on Financial Services and General Government, 2019.

² Atlantic Council, "The Economic Impact of a More Efficient US-Mexico Border: How Reducing Wait Times at Land Ports of Entry Would Promote Commerce, Resilience, and Job Creation," (September 27, 2022): https://issuu.com/atlanticcouncil/docs/the_economic_impact_of_a_more_efficient_us-mexicob.

8,900 pounds of fentanyl in FY2023.³ This concerning trend suggests that fentanyl flows are continuing to significantly increase along the southern border, and we are concerned that our aging LPOE infrastructure is inhibiting our ability to put an end to the fentanyl crisis.

Over the past 3 years, LPOEs have been closed to migrants who are seeking asylum and, at times, other travelers and individuals. A recent Notice of Proposed Rulemaking issued by the U.S. Department of Security (DHS) noted: “DHS encounter projections and planning models suggest that encounters [of migrants who have crossed the southern border] could rise to 11,000-13,000 per day” after the termination of the Title 42 order. DHS projects that “This would put an enormous strain on already strained resources” and “risk overcrowding in already crowded U.S. Border Patrol stations and border ports of entry [...]” If DHS’ projections are correct, the impending influx of migrants following the termination of Title 42, coupled with our aging port infrastructure, could lead to significant impacts on cross-border trade and security.

We are concerned that GSA’s role in managing the ports has been absent from broader conversations around border security and border management. LPOEs have particularly unique infrastructure and resourcing needs given their crosscutting trade, travel, and security missions. To better understand how GSA manages LPOEs, we ask the following questions:

1. Along the southern and northern borders of the United States:
 - a) How many LPOEs are managed by GSA?
 - b) How many are managed by CBP?
In answering this question, please provide a list of LPOEs, the GSA region in which the LPOE is located, and the LPOE’s custodian.
2. Of the LPOEs that are in GSA’s custody, how much does CBP pay GSA in rent on an annual basis? In answering this question, please provide the total rent paid by CBP to GSA from LPOEs along the southern and northern borders and the rent paid per facility.
3. Of the LPOEs that are in GSA’s custody:
 - a) What Federal agencies are co-located at the facility?
In answering this question, please include a list of each Federal agency that is located at each LPOE along the southern and northern borders.
4. To what fund(s) are the rents paid by CBP to GSA deposited?
5. Toward which projects have the rent funds paid by CBP to GSA been allocated in the last 5 years? In answering this question, please provide the specific project, the dollar amount of CBP funds allocated toward each specific project, and the location or building where such funds were allocated.

³ U.S. Customs and Border Prot. “Drug Seizure Statistics FY2023,” last modified March 9, 2023: <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

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6. When comparing project requests for LPOEs to requests for Federal courthouses, Federal office buildings, or other projects at facilities managed by GSA, what criteria does GSA use to evaluate whether a LPOE or courthouse should receive funding?
7. Does GSA charge fees to CBP to administer maintenance projects?
 - a) Is this fee assessed to cover the costs of labor and materials, or is this fee charged in addition to charges for labor and materials?
 - b) Does GSA impose different surcharges on different agencies' projects?
Please share a breakdown of all fees assessed on CBP maintenance projects with the Subcommittee.
8. How many and which LPOEs along the southern and northern border are wholly or partially designated as historical buildings or participate in the Historic Preservation Program?
 - a) What effects would participation in this program have on modernization efforts?
 - b) Would this designation or participation in this program impact project timelines or costs? If so, how?
9. What is GSA's process for engaging with CBP for maintenance projects at LPOEs?
 - a) When GSA is considering designating a port or a section of a port as a historical building, what consultation does GSA have with CBP prior to designation as a historical building?
10. How many revised schedule baseline requests regarding projects at LPOEs along the southern and northern border has GSA leadership approved over the last 5 fiscal years?
11. How many port modernization projects have been begun, are in progress, or completed over the last 5 fiscal years?
 - a) By project, when was the funding initially allocated, project started, and project completed?

Thank you for your attention to this matter. We look forward to receiving your response by not later than March 31, 2023.

Sincerely,



James Lankford
Ranking Member
Subcommittee on Government Operations and
Border Management



Kyrsten Sinema
Chair
Subcommittee on Government Operations and
Border Management