

**U.S. DEPARTMENT OF HOMELAND SECURITY**  
**U.S. Customs and Border Protection**

**CBP DIRECTIVE NO. 2130-035**

**EFFECTIVE DATE: November 28, 2023**

**ORIGINATING OFFICE: OFAM**

**SUPERSEDES: 5260-007B**

**REVIEW DATE: November 28, 2026**

**CBP National Parking Directive**

1. **PURPOSE.** This Directive establishes the U.S. Customs and Border Protection (CBP) policy concerning the use of appropriated funds to procure and subsidize parking for federal employees who commute to work in privately-owned vehicles (POVs) and to procure parking for Government-owned vehicles (GOVs) and Government-leased vehicles. This Directive also establishes CBP policy for parking POVs and GOVs at both government-owned and leased locations.
2. **SCOPE.** This Directive applies to all CBP federal employees. This Directive applies to parking POVs and GOVs at government-owned or leased facilities and the procurement of commercial parking for POVs.
3. **AUTHORITIES/REFERENCES.** In addition to the authorities listed in DHS Parking Directive No. 123-01, Revision No. 01, this Directive relies upon the following:
  - 3.1 31 U.S.C. § 3701 *et. seq.*, Debt Collection Improvement Act of 1996 (DCIA)
  - 3.2 40 U.S.C. § 586, Charges for Space and Services
  - 3.3 19 U.S.C. § 1524, Deposit of Reimbursable Charges
  - 3.4 6 C.F.R. § 11.4(c), Collection by Administrative Offset
  - 3.5 26 C.F.R. § 1.132-9, Qualified Transportation Fringes
  - 3.6 31 C.F.R. Part 901, Standards for the Administrative Collection of Claims
  - 3.7 41 C.F.R. § 102-74.265 – 102-74.310, Parking Facilities
  - 3.8 Publication 15-B - Internal Revenue Service – Employer’s Tax Guide to Fringe Benefits
  - 3.9 Title 1 of the Americans with Disabilities Act of 1990 (ADA), as amended
  - 3.10 Comptroller General decisions on parking, including, *Matter of: U.S. International Trade Commission—Use of Appropriated Funds to Subsidize Employee Parking Permits*, B-322337 (Aug. 3, 2012)
  - 3.11 GSA Public Building Service Leasing Desk Guide
  - 3.12 DHS Directive No. 123-01, DHS Parking Program Directive (June 15, 2022)

- 3.13 CBP Fiscal Year 2022 Purchase Card Manual, or, if updated, the most recent version
- 3.14 Public Transportation Incentive Program (PTIP) Handbook, HB 5250-016 (May 2020)
- 3.15 CBP Directive 5250-004, Pre-Tax Parking Benefit (February 10, 2012)
- 3.16 CBP Directive 51713-007B, Reasonable Accommodation Procedures for Applicants and Employees with Disabilities (March 31, 2022)

#### **4. RESPONSIBILITIES.**

- 4.1 Assistant Commissioner, Office of Facilities and Asset Management (OFAM).
  - 4.1.1 Responsible for the issuance, implementation, and enforcement of parking policy for CBP. In addition, AC OFAM coordinates subsidized parking requirements with the DHS Chief Readiness Support Officer (CRSO) and General Services Administration (GSA) on behalf of CBP Offices.
- 4.2 Parking Program Administrator
  - 4.2.1 Responsible for daily administration of the CBP Parking Program, policies, procedures, program communications, and processing employee parking applications.
- 4.3 Executive Assistant Commissioner (EAC) or their equivalent or their designees.
  - 4.3.1 Responsible for enforcing this policy in their respective Offices.
- 4.4 Office Parking Liaisons.
  - 4.4.1 Responsible to ensure that their operating guidelines and policies are consistent with this Directive.
- 4.5 CBP Medical & Fitness Branch.
  - 4.5.1 Responsible for validating the authenticity of letter(s) from an employee's treating healthcare provider(s), which is a part of the certification process for disabled employee parking.
- 4.6 Office Senior Acquisition Officials.
  - 4.6.1 Ensure that contract files for commercial parking procurements include, and document all required approvals for the expenditure of appropriated funds on parking for POVs and GOVs. Contracting Officers (COs) and Contracting Officer's Representatives (CORs) also have responsibility for this.
- 4.7 CBP Federal Employees.
  - 4.7.1 Ensure all information contained in their parking permit application is accurate and updated as necessary to seek renewal prior to expiration. Employees may not concurrently participate in any parking programs and a transit subsidy program.

## 5. POLICY AND REQUIREMENTS.

### Commercial Parking

5.1 General. It is the responsibility of employees to furnish their own transportation to and from their place of employment unless an employee is approved to utilize government provided means of transportation through a Home-to-Work authorization. Should an employee use a POV to commute to work, the Government, in general, is prohibited from using appropriated funding to procure subsidized parking for the employee's POV except when a Determination and Findings (D&F) has been developed for that specific location, submitted by OFAM to the DHS CRSO, and is approved by the CRSO. All D&Fs shall be coordinated through the CBP Parking Program, managed by the OFAM Mission Support Facilities (MSF) Division.

5.1.1 **Determination and Findings (D&F).** As part of the parking contract procurement process, a D&F is required prior to procuring parking at commercial facilities and/or executing any parking contract option period. This requirement pertains to both government and privately owned vehicles. A separate D&F is required for each physical location. The D&F must be submitted to CRSO for approval at a minimum of eight weeks prior to beginning of the parking contract's base period and each subsequent option period. Appropriated funds may be used to procure such POV parking when the D&F has been properly developed and coordinated through the CBP Parking Program Administrator, submitted by OFAM to the DHS CRSO, and is approved by the CRSO. If CBP determines that a lack of POV parking for its employees will significantly impair the agency's operating efficiency and is detrimental to the hiring and retention of personnel, then appropriated funds may be used to procure parking for POVs if approved by the CRSO. The D&F must be submitted to the CBP Parking Program Administrator by the Executive Assistant Commissioner (or their equivalent or their designee(s)) of the CBP Office(s) in need of subsidized parking. OFAM will coordinate with CRSO on D&F review and approval.

5.1.2 **Required Analysis for D&F.** All CBP Offices seeking to procure commercial parking for POVs are required to explain in writing to the consequences for operating efficiency if CBP does not pay for employee parking. The following factors must be considered as part of the analysis: (1) daily hours of employment; (2) amount of likely overtime; (3) frequency of public transportation during peak hours; (4) cost of public transportation; (5) location of residences of majority of workforce and commuting time; (6) available parking in area; (7) other relevant factors including safety of employees using public transportation; (8) the impact on air quality; (9) traffic congestion; (10) energy conservation (public policy initiatives); (11) promotion of ridesharing; (12) policy of providing transit benefits to encourage mass transit use; (13) telework; (14) flexible work schedules; (15) recruitment tools; and (16) subsidized parking by non-federal employees. CBP Offices need not engage in the same level of analysis to obtain commercial parking for Government-owned or leased vehicles. For GOVs, the D&F should address the following factors: (1) purpose of request for GOV parking; (2) location of CBP worksite; (3) number of GOVs requiring parking.

### 5.2 Disabled Employee Parking

5.2.1 **Requirements.** As defined in 41 C.F.R. § 102-71.20, a disabled employee means an

employee who has a severe, permanent impairment that for all practical purposes precludes the use of public transportation, or an employee who is unable to operate a car as a result of permanent impairment and who is driven to work by another.

- 5.2.1.1 Along with the parking permit application, the employee must submit a letter or memorandum signed by their treating healthcare provider, affirming said employee has a severe, permanent impairment consistent with the above stated definition.
- 5.2.1.2 The healthcare provider's letter should not include any medical diagnosis or other HIPAA related information.
- 5.2.1.3 The treating healthcare provider must be a licensed healthcare provider in the state in which the letter is issued.

#### **5.2.2 Certification Process.**

- 5.2.2.1 Employee must submit to the CBP Parking Program Administrator mailbox a completed parking permit application and letter signed by their treating healthcare provider.
- 5.2.2.2 The CBP Parking Program Administrator shall send an electronic copy of the treating healthcare provider's letter to the CBP Medical & Fitness Branch.
- 5.2.2.3 The CBP Medical & Fitness Branch shall contact the treating healthcare provider's office to validate the employee is a patient of the treating healthcare provider who signed the letter.
- 5.2.2.4 Upon receiving such confirmation from the treating healthcare provider's office, the CBP Medical & Fitness Branch shall reply by email to the CBP Parking Program Administrator affirming the validation of the letter.
- 5.2.2.5 Upon receipt of the validation from the CBP Medical & Fitness Branch, the CBP Parking Program Administrator shall process the employee's application in accordance with this Directive and any applicable location-specific parking policy (e.g., National Capital Region Parking Handbook).
- 5.2.2.6 The CBP Parking Program Administrator reserves the right to require an employee to recertify that the employee meets the requirements for disabled employee parking.

**5.2.3 Fiscal Law Requirements.** Appropriated funds may be used to pay the amount a disabled employee pays in excess of the amount paid by a non-disabled employee for commercial parking in a comparable location as defined in Use of Appropriated Funds to Pay Commercial Parking Costs of Severely Disabled Employees, B-211812, (Comp. Gen. Mar. 26, 1984). Funding for disabled employee parking is available for applicants who are formally approved for parking as disabled employees, as defined in 41 C.F.R. § 102-71.20, by the above-described CBP process and for the terms specified in their certification. Separate and apart from the appropriated funds used to pay the excess amount of parking

costs described above, subsidized POV parking for disabled employees is established in the same way as subsidized POV parking for non-disabled employees is established (i.e., a CRSO-approved D&F).

5.3 Vanpools and Carpools. CBP is authorized to subsidize parking for vanpools that are registered with the region's transit authority (e.g., Washington Metropolitan Area Transit Authority). CBP Offices are also authorized to provide parking for carpools which are vehicles that have two or more passengers (including the driver) traveling to a work location.

5.4 Procuring Parking Facilities for POVs. CBP Offices that require POV parking should first seek to use Government-owned or leased facilities prior to procuring additional POV parking space. Upon approval of a D&F by the CRSO, if GSA can provide parking, GSA will designate parking to fulfill the request. If GSA cannot provide parking, GSA shall authorize the use of CBP's procurement authority to acquire parking by service contract. All associated documentation shall be maintained in the contract file.

5.5 Procuring Parking Facilities for GOVs. Commercial parking may be procured as necessary for Government-owned or leased vehicles through the facility lease process or direct contract from CBP Procurement.

5.6 Reasonable Accommodations. An employee must qualify under the Rehabilitation Act of 1973 and the stipulations of Privacy and Diversity Office (PDO) Directive No. 51713-007B. Absent an undue hardship, or a direct threat, the Agency must provide a reasonable accommodation in the following situations: when an applicant with a disability requires a reasonable accommodation to enable him or her to apply for a job; when a qualified employee with a disability requires a reasonable accommodation to enable him or her to perform the essential functions of the job; and, when a qualified employee with a disability requires a reasonable accommodation to enjoy equal benefits and privileges of employment. CBP employees requesting reasonable accommodation should contact their immediate supervisor or the Privacy and Diversity Office (PDO) at (b) (7)(E). The Deciding Official or designee must coordinate with the CBP Parking Program to assess the availability of parking or the steps necessary to procure additional parking as needed. If a CBP employee is assigned a POV parking space as a reasonable accommodation, the CBP employee remains responsible for POV parking costs, but CBP may use its appropriated funds to pay the amount that the disabled employee, as defined in 41 C.F.R. § 102-71.20, pays in excess of the amount paid by a non-disabled employee for commercial parking in a comparable location as described in Section V.A.2 above.

#### **Parking GOVs/POVs at Government Owned or Leased Facilities**

5.7 Parking priority is governed by 41 C.F.R. §§ 102-74.285 and 102-74.305.

5.8 In accordance with 41 C.F.R. § 102-74.305, if parking is available at a government owned and/or leased facility, parking allocations will begin with allocating parking spaces for the following categories in the order outlined below:

5.8.1 Official Vehicles (i.e., GOVs).

5.8.2 Disabled employees, as defined in 41 C.F.R. § 102-71.20, and those drivers who regularly provide transportation for them.

5.8.3 Executive Personnel, which includes Senior Executive Service personnel and Presidential appointees, and persons who work unusual hours.

5.8.3.1 Unusual Hours means work hours that are frequently required to be varied and do not coincide with any regular work schedule. This category includes time worked by individuals who regularly or frequently work significantly more than eight (8) hours per day. Unusual Hours does not include time worked by shift workers, by those on alternate work schedules, and by those granted exceptions to the normal work schedule (e.g., flextime).

5.8.4 Vanpools/Carpools.

5.8.5 POVs of CBP employees that are regularly used for Government business at least 12 days per month and that qualify for reimbursement of mileage and travel expenses under Government travel regulations.

5.8.6 Other POVs of employees, on a space-available basis.

5.9 An employee assigned a parking space in accordance with 41 C.F.R. § 102-74.305 remains responsible to pay his/her POV parking costs unless his/her position is included in a CRSO-approved D&F.

#### Transit Benefits

5.10 Transit subsidy participants are not eligible to receive subsidized commercial parking.

#### Taxable Fringe Benefit

5.11 An employee who receives subsidized parking will receive a determination of the benefit amount in accordance with the Internal Revenue Code (IRC) Section 132(f)(2)(B). CBP Offices must identify the portion, if any, of the subsidy amount that exceeds the monthly benefit. This amount constitutes a taxable fringe benefit and shall be reported on the employee's W-2 form.


#### Implementation Policies

5.12 Minimum utilization requirements for subsidized POV parking may be established to support the development of a D&F. Minimum utilization requirements will be included in implementation procedures based on local factors and limitations on available parking.

6. **POINT OF CONTACT.** Direct all questions regarding this directive and the requirements it establishes to [REDACTED] (b) (7)(E)

7. **NO PRIVATE RIGHTS CREATED.** This directive is an internal policy statement of CBP and does not create or confer any rights, privileges, or benefits upon any person, party, or entity.

**8. APPROVAL AUTHORITY.**

  
\_\_\_\_\_  
Troy A. Miller  
Senior Official Performing the Duties of the Commissioner  
U.S. Customs and Border Protection

11/28/2023  
(Date)