

PRECLEARANCE AUTHORIZATION ACT OF 2015

JULY 22, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 998]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 998) to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Preclearance Authorization Act of 2015”.

**SEC. 2. DEFINITION.**

In this Act, the term “appropriate congressional committees” means the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

**SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.**

Pursuant to section 1629 of title 19, United States Code, and subject to section 5, the Secretary of Homeland Security may establish U.S. Customs and Border Protection preclearance operations in a foreign country to—

- (1) prevent terrorists, instruments of terrorism, and other security threats from entering the United States;
- (2) prevent inadmissible persons from entering the United States;
- (3) ensure merchandise destined for the United States complies with applicable laws;
- (4) ensure the prompt processing of persons eligible to travel to the United States; and
- (5) accomplish such other objectives as the Secretary determines necessary to protect the United States.

**SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.**

(a) **NOTIFICATION.**—Not later than 180 days before entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

- (1) A copy of the proposed agreement to establish such preclearance operations, including an identification of the foreign country with which U.S. Customs and Border Protection intends to enter into a preclearance agreement, the location at which such preclearance operations will be conducted, and the terms and conditions for U.S. Customs and Border Protection personnel operating at the location.
- (2) An estimate of the date on which U.S. Customs and Border Protection intends to establish preclearance operations under such agreement.
- (3) The anticipated funding sources for preclearance operations under such agreement, and other funding sources considered.
- (4) An assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States.
- (5) A homeland security threat assessment for the country in which such preclearance operations are to be established.
- (6) An assessment of the impacts such preclearance operations will have on U.S. Customs and Border Protection domestic port of entry staffing.
- (7) Information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations.
- (8) Information on the anticipated homeland security benefits associated with establishing such preclearance operations.
- (9) Information on potential security vulnerabilities associated with commencing such preclearance operations, and mitigation plans to address such potential security vulnerabilities.
- (10) A U.S. Customs and Border Protection staffing model for such preclearance operations, and plans for how such positions would be filled.
- (11) Information on the anticipated costs over the next five fiscal years associated with commencing such preclearance operations.
- (12) A copy of the agreement referred to in subsection (a) of section 5.
- (13) Other factors that the Secretary of Homeland Security determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

(b) **CERTIFICATIONS RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.**—In the case of an airport, in addition to the notification requirements under subsection (a), not later than 90 days before entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

- (1) A certification that preclearance operations under such preclearance agreement would provide homeland security benefits to the United States.

(2) A certification that preclearance operations within such foreign country will be established under such agreement only if—

(A) at least one United States passenger carrier operates at such airport; and

(B) the access of all United States passenger carriers to such preclearance operations is the same as the access of any non-United States passenger carrier.

(3) A certification that the Secretary of Homeland Security has considered alternative options to preclearance operations and has determined that such options are not the most effective means of achieving the objectives specified in section 3.

(4) A certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports.

(5) An explanation of other objectives that will be served by the establishment of preclearance operations in such foreign country.

(6) A certification that representatives from U.S. Customs and Border Protection consulted publically with interested parties, including providers of commercial air service in the United States, employees of such providers, security experts, and such other parties as the Secretary determines to be appropriate, before entering into such an agreement with such foreign government.

(7) A report detailing the basis for the certifications referred to in paragraphs (1) through (6).

(c) **MODIFICATION OF EXISTING AGREEMENTS.**—Not later than 30 days before substantially modifying a preclearance agreement with the government of a foreign country in effect as of the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the appropriate congressional committees a copy of the proposed agreement, as modified, and the justification for such modification.

(d) **REMEDIATION PLAN.**—

(1) **IN GENERAL.**—The Commissioner of U.S. Customs and Border Protection shall monthly measure the average customs processing time to enter the 25 United States airports that support the highest volume of international travel (as determined by available Federal passenger data) and provide to the appropriate congressional committees such measurements.

(2) **ASSESSMENT.**—Based on the measurements described in paragraph (1), the Commissioner of U.S. Customs and Border Protection shall quarterly assess whether the average customs processing time referred to in such paragraph significantly exceeds the average customs processing time to enter the United States through a preclearance operation.

(3) **SUBMISSION.**—Based on the assessment conducted under paragraph (2), if the Commissioner of U.S. Customs and Border Protection determines that the average customs processing time referred to in paragraph (1) significantly exceeds the average customs processing time to enter the United States through a preclearance operation described in paragraph (2), the Commissioner shall, not later than 60 days after making such determination, provide to the appropriate congressional committees a remediation plan for reducing such average customs processing time referred to in paragraph (1).

(4) **IMPLEMENTATION.**—Not later than 30 days after submitting the remediation plan referred to in paragraph (3), the Commissioner of United States Customs and Border Protection shall implement those portions of such plan that can be carried out using existing resources, excluding the transfer of personnel.

(5) **SUSPENSION.**—If the Commissioner of U.S. Customs and Border Protection does not submit the remediation plan referred to in paragraph (3) within 60 days in accordance with such paragraph, the Commissioner may not, until such time as such remediation plan is submitted, conduct any negotiations relating to preclearance operations at an airport in any country or commence any such preclearance operations.

(6) **STAKEHOLDER RECOMMENDATIONS.**—The remediation plan described in paragraph (3) shall consider recommendations solicited from relevant stakeholders.

(e) **CLASSIFIED REPORT.**—The assessment required pursuant to subsection (a)(5) and the report required pursuant to subsection (b)(7) may be submitted in classified form if the Secretary of Homeland Security determines that such is appropriate.

#### **SEC. 5. AVIATION SECURITY SCREENING AT PRECLEARANCE AIRPORTS.**

(a) **AVIATION SECURITY STANDARDS AGREEMENT.**—Prior to the commencement of preclearance operations at an airport in a foreign country under this Act, the Administrator of the Transportation Security Administration shall enter into an agreement with the government of such foreign country that delineates and requires the

adoption of aviation security screening standards that are determined by the Administrator to be comparable to those of the United States.

(b) AVIATION SECURITY RESCREENING.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), the Administrator shall require the rescreening in the United States by the Transportation Security Administration of passengers and their property before such passengers may deplane into sterile areas of airports in the United States.

(c) SELECTEES.—Any passenger who is determined to be a selectee based on a check against a terrorist watch list and arrives on a flight originating from a foreign airport at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), shall be required to undergo security rescreening by the Transportation Security Administration before being permitted to board a domestic flight in the United States.

#### **SEC. 6. LOST AND STOLEN PASSPORTS.**

The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country to establish or maintain U.S. Customs and Border Protection preclearance operations at an airport in such foreign country unless such government certifies—

- (1) that it routinely submits information about lost and stolen passports of its citizens and nationals to INTERPOL's Stolen and Lost Travel Document database; or
- (2) makes available to the United States Government such information through another comparable means of reporting.

#### **SEC. 7. EFFECTIVE DATE.**

Except for subsection (c) of section 4, this Act shall apply only to the establishment of preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of this Act.

#### **PURPOSE AND SUMMARY**

The purpose of H.R. 998 is to set forth the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes.

#### **BACKGROUND AND NEED FOR LEGISLATION**

H.R. 998 would authorize the Secretary to establish new U.S. Customs and Border Protection (CBP) preclearance operations in foreign countries. The bill includes a series of benchmarks and timelines necessary to establish a preclearance operation and is intended to ensure transparency while the Department engages with foreign governments.

CBP's preclearance operations involve the inspection and examination of travelers and their belongings by CBP officers in foreign locations prior to embarking to the United States. Once cleared on foreign soil, passengers do not have to clear customs upon arrival in the United States. Pre-inspection was first established in Toronto, Canada in 1952. CBP currently operates 16 preclearance facilities in Canada, the Bahamas, Bermuda, Aruba, Ireland and, most recently, in the United Arab Emirates (UAE).

DHS began bilateral negotiations with the government of UAE in August 2012 to establish preclearance operations at Abu Dhabi International Airport. Negotiations were finalized on April 15, 2013, and preclearance operations commenced in late 2013. The CBP preclearance facility in Abu Dhabi was established under a reimbursable agreement between DHS and the UAE, under which

the UAE government reimburses CBP up to 85 percent for personnel and other costs.

In addition, the UAE government spent more than \$60 million building a customized facility, to CBP specifications, in anticipation of the commencement of preclearance operations. As part of the agreement with UAE, CBP officers were granted significant authorities in the course of their duties. CBP has asserted that the establishment of preclearance in Abu Dhabi is security-focused, due to the significant number of watch list hits and travel patterns of concern in the region.

This legislation was introduced as a result of significant concern that this agreement was executed without suitable Congressional notification, or an adequate security justification for establishing preclearance operations in Abu Dhabi. Many U.S. domestic airlines have argued that the establishment of a preclearance facility in Abu Dhabi, where no U.S. domestic carrier currently flies, puts U.S. carriers at a significant competitive and economic disadvantage, as customs wait times are generally shorter at preclearance facilities compared to wait times in the U.S.

DHS recently announced its intent to enter into negotiations with the Netherlands, United Kingdom, Turkey, Spain, Belgium, Japan, Sweden, Norway and the Dominican Republic to establish new preclearance facilities. As a result, this legislation is needed to strengthen Congressional and stakeholder notification and apply security-related and other conditions on any future expansion of preclearance operations.

#### HEARINGS

The Committee did not hold any legislative hearings on H.R. 998; however, the Committee held oversight hearings detailed below:

##### *113th Congress*

On April 4, 2014, the Subcommittee on Border and Maritime Security held a hearing entitled “Passport Fraud: An International Vulnerability.” The Subcommittee received testimony from Hon. Alan D. Bersin, Assistant Secretary of International Affairs and Chief Diplomatic Officer, U.S. Department of Homeland Security; Mr. John Wagner, Acting Deputy Assistant Commissioner, Office of Field Operations, Customs and Border Protection, U.S. Department of Homeland Security; Ms. Brenda S. Sprague, Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, U.S. Department of State; and Hon. Shawn A. Bray, Director, INTERPOL Washington, U.S. National Central Bureau, U.S. Department of Justice.

On September 10, 2014, the Subcommittee on Border and Maritime Security held a hearing entitled “One Flight Away: An Examination of the Threat Posed by ISIS Terrorists with Western Passports.” The Subcommittee received testimony from Troy Miller, Acting Assistant Commissioner, Office of Intelligence and Investigative Liaison, U.S. Customs and Border Protection (CBP); John Wagner, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection (CBP); Jenny Lasley, Deputy Under Secretary for Analysis, Office of Intelligence and Analysis; and Hillary Batjer Johnson, Deputy Coordinator of Homeland Security, Bureau of Counterterrorism, Department of State (DOS).

*114th Congress*

On March 17, 2015, the Subcommittee on Border and Maritime Security held a hearing entitled “Combating Terrorist Travel: Does the Visa Waiver Program Keep Our Nation Safe?” The Subcommittee received testimony from Dr. Marc Frey, Senior Director in the Washington office of Steptoe & Johnson; Mr. Brian Michael Jenkins, Senior Advisor to the President of RAND Corporation; Mr. Roger J. Dow, President and CEO of the U.S. Travel Association; and Dr. Steven Bucci, Director, Heritage Foundation Douglas and Sarah Allison Center for Foreign and National Security Policy.

On June 2, 2014, the Subcommittee on Border and Maritime Security received testimony from Hon. Alan D. Bersin, Assistant Secretary and Chief Diplomatic Officer, Office of Policy, U.S. Department of Homeland Security; Mr. John Wagner, Deputy Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Mr. Lev J. Kubiak, Assistant Director, International Operations, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; and Ms. Rebecca Gambler, Director, Homeland Security and Justice Issues, U.S. Government Accountability Office.

## COMMITTEE CONSIDERATION

The Committee met on June 23, 2015, to consider H.R. 998, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An amendment offered by Mr. VELA (#1); was AGREED TO by voice vote.

Page 3, line 12, strike “and” and insert a comma.

Page 3, line 13, insert before the period at the ends the following: “, and the terms and conditions for U.S. Customs and Border Protection personnel operating at the location.”

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 998.

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 998, the Preclearance Authorization Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 13, 2015.*

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 998, the Preclearance Authorization Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 998—Preclearance Authorization Act of 2015*

H.R. 998 would authorize Customs and Border Protection (CBP) in the Department of Homeland Security to establish preclearance (inspection) stations in foreign countries. CBP currently operates preclearance facilities in about 15 locations, mostly in Canada. The bill would require the agency to notify the Congress before establishing preclearance stations in countries that currently have none. H.R. 998 also would specify policies and requirements to ensure that security screening performed at foreign airports engaged in preclearance operations meet U.S. standards.

CBP anticipates opening new preclearance stations over the next several years and can do so under current law; thus, CBO estimates that implementing the bill would not significantly affect federal spending. CBO also estimates that implementing the bill's requirements related to aviation security would not significantly affect federal costs. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 998 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contacts for this estimate are Mark Grabowicz and Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 998 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The general performance goals and objectives of H.R. 998 are to require greater transparency and accountability from United States Customs and Border Protection (CBP) when it establishes preclearance operations in foreign countries. This is accomplished

through several Congressional notifications and certifications, as well as requirements regarding transportation security screening standards. While the Committee believes that CBP's preclearance operations provide a significant homeland security benefit to the United States, the recent establishment of a preclearance operation in Abu Dhabi caused great concern among members of Congress due to the lack of transparency and adverse impacts it may have on U.S. air carriers.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 998 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 998 does not preempt any State, local, or Tribal law.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 998 would require no directed rule makings.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section provides that the bill may be cited as the "Preclearance Authorization Act of 2015".

*Sec. 2. Definition*

The appropriate Congressional committees in this legislation include the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

*Sec. 3. Establishment of preclearance operations*

This section authorizes the Secretary to establish preclearance operations in a foreign country.

The Committee has a history of supporting preclearance operations as a means to promote travel facilitation in locations such as Canada, Ireland, and the Caribbean. The Committee also recognizes preclearance operations can provide a significant homeland security benefit, especially after the terror attacks of September 11, 2001.

The Committee continues to support Federal efforts to “push our borders out” to detect and deter threats before they reach our shores. Indeed, the Committee believes the primary function of any newly established preclearance facility must be to enhance national security by preventing terrorists and other inadmissible persons and goods from entering the United States, while continuing to facilitate the prompt processing of persons eligible to travel to the United States.

The Committee was troubled that the Department initially failed to make a security case for the preclearance facility in Abu Dhabi, raising questions about the suitability of the location and other aspects of the selection process. Any future preclearance facilities must meet the criteria put forth in this Act, which would address many of the problems and concerns that arose with deployment of preclearance to Abu Dhabi.

*Sec. 4. Notification and certification to Congress*

*(a) Notification*

This subsection requires the Secretary to notify Congress 180 days before entering into an agreement with a foreign government to establish a preclearance operation.

The Secretary would be required to provide a copy of the proposed agreement, proposed terms and conditions for CBP officers operating at the location, an impact assessment on trade and travel, a homeland security threat assessment of the proposed location, an impact assessment for CBP staffing at domestic ports of entry, potential economic, competitive, and job impacts on United States air carriers, anticipated homeland security benefits, security vulnerabilities and mitigation plans, a staffing model for the proposed preclearance operation, anticipated costs, and a copy of the agreement.

The Committee was troubled by the failure of the Secretary of Homeland Security to inform Congress about negotiations with the UAE to establish preclearance operations at Abu Dhabi International Airport, as well as the lack of consideration of the potential negative impact establishing such a facility may have on U.S. air carriers. The Committee believes that Congress must be made aware of any proposed agreements and be given ample time to re-

view the specifics about such agreements. In the future, the Committee expects the Secretary to provide Congress with advanced notification of any proposed agreement with a foreign country and provide appropriate justification for any new preclearance agreements, as required under this Act.

*(b) Certifications relating to preclearance operations established at airports*

This section requires the Secretary to report to Congress 90 days before entering into an agreement with a foreign government to establish a preclearance operation.

The Secretary would be required to certify the homeland security benefits of the proposed preclearance operation and that: at least one United States passenger carrier operates at that location; there are no alternate options to preclearance that would be more effective; passenger screening procedures by the foreign government meet or exceed U.S. screening requirements; the Secretary has considered alternative options to preclearance operations; new airport preclearance operations will not increase customs processing times at United States airports; and CBP consulted interested parties and stakeholders.

DHS did not assess such items when establishing a preclearance operation in Abu Dhabi. The Committee believes the certifications required in this subsection will ensure any new preclearance operations will include articulable, tangible security benefits to push our borders out and prevent dangerous or inadmissible persons and goods from entering the United States.

The Committee expects the report required in this subsection to clearly justify each element required under the certification and provide detailed analysis as to how the Department evaluated such requirement.

While the Committee strongly supports the concept of using preclearance facilities to push our borders out, the Committee believes the Department must also weigh the economic and competitive impacts that these facilities may have on U.S. carriers as well as the impact on customs processing times domestically. When considering the establishment of such facilities, the Committee expects that any future agreements to establish preclearance operations will thoroughly consider and account for the economic and competitiveness impacts that such an agreement might have on U.S. companies.

*(c) Modification of existing agreements*

This section requires the Secretary to notify Congress 30 days before substantially modifying an existing preclearance operation agreement with a foreign government. The Secretary must provide Congress a copy of proposed agreement and justification for the modification.

The Committee believes that substantial changes to a preclearance agreement requires a notification to Congress to allow Congress to provide appropriate oversight over modifications to current agreements.

*(d) Remediation plan*

This subsection requires the Secretary to provide to Congress a remediation plan to reduce customs processing times at the 25 United States airports with the highest volume of international travel, and implement such plan, which includes recommendations solicited from relevant stakeholders, if the average quarterly customs processing times of those 25 United States airports is significantly greater than the average customs processing times at a preclearance operation. If the Commissioner does not submit the remediation plan within 60 days, the Commissioner may not conduct any negotiations relating to preclearance operations at an airport, or commence new preclearance operations.

The Committee realizes that long lines at peak hours are commonplace for larger airports like John F. Kennedy, Chicago O'Hare and Los Angeles International. The Committee wants to ensure that as CBP assigns veteran officers overseas to support preclearance operations, the agency takes every action possible to mitigate any negative impacts to CBP operations in the U.S.

The Committee directs CBP to measure monthly wait times domestically and compare those wait times against preclearance operations overseas. If domestic wait times significantly exceed those of new preclearance operations, the Committee requires CBP to submit a remediation plan to the Congress within 60 days to fix this disparity and reduce domestic wait times. While the Committee recognizes preclearance operations may provide a significant homeland security benefit, it also recognizes there is a tremendous travel facilitation benefit. The Committee wants to ensure that such travel facilitation benefits at foreign airports do not come at the expense of domestic airports.

Additionally, the Committee expects that, as a part of this remediation plan, CBP will consult with the appropriate stakeholders, such U.S. air carriers and airport authorities, to take their suggestions into account.

The Committee also expects CBP to first use existing resources to reduce wait times by looking at innovative ways to use technology and streamlining processes, and strongly discourages transferring officers from different ports of entry, which could cause wait times to increase at other locations.

*(e) Classified report*

This subsection allows the homeland security threat assessment in Section 4(a)(3) and the certification for establishing a new preclearance operation in Section 4(b)(8) to be classified, if appropriate.

*Sec. 5. Aviation security screening at preclearance airports*

This section requires the aviation security screening standards at a preclearance location to be comparable to those required by the Transportation Security Administration (TSA). This section also requires rescreening of passengers and property by the TSA in the United States if, at any time, the aviation security screening standards at a preclearance location are not maintained to TSA standards or if a traveler is designated as a selectee.

The Committee supports requiring higher-risk passengers to be screened by TSA prior to boarding a domestic flight, while also ensuring that TSA has flexibility in how it carries out such screening.

*Sec. 6. Lost and stolen passports*

This section requires any foreign country where a preclearance operation agreement is to be established or renewed to routinely submit information to INTERPOL's Stolen and Lost Travel Document (SLTD) database and to make that information available to the U.S. government.

Travel document security is a cornerstone of the United States' efforts to secure the homeland, and is integral to pushing our borders out. Document security vulnerabilities can be easily exploited by those who would do us harm. Therefore, the Committee believes the United States must have robust measures in place to deter and detect those traveling on stolen and fraudulent documents.

After the terror attacks of September 11, 2001, the international community, through INTERPOL, created the SLTD database to allow countries to send lost and stolen passport information to a central repository and to check passports against that database to prevent travelers from entering a country or boarding a plane with a known lost or stolen passport.

In April 2014, the Subcommittee on Border and Maritime Security held a hearing on the issue of passport fraud and received testimony that, with few exceptions, only those nations that are members of the Visa Waiver Program (VWP) regularly submit timely data to the SLTD. The Committee believes that a robust population of INTERPOL's SLTD database provides significant aviation and homeland security benefits to the United States, and therefore should be a requirement for any country wishing to enter into a preclearance agreement with the United States.

*Sec. 7. Effective date*

Except for Section 4(c), the requirements of this Act will only apply to the establishment of a preclearance operation in a foreign country where no preclearance operations have been established as of the date of enactment of this act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 998 makes no changes to existing law.

COMMITTEE CORRESPONDENCE

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 16, 2015.*

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.*

DEAR CHAIRMAN MCCAUL: I am writing with respect to H.R. 998, the "Preclearance Authorization Act of 2015." As a result of your having consulted with us on provisions in H.R. 998 that fall within the Rule X jurisdiction of the Committee on Ways and Means, I agree to waive consideration of this bill so that it may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that by forgoing consideration of H.R. 998 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

PAUL D. RYAN,  
*Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, July 20, 2015.*

Hon. PAUL RYAN,  
*Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN RYAN: Thank you for your letter regarding H.R. 998, the "Peclearance Authorization Act of 2015." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Ways and Means will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Ways and Means does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Ways and Means for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
*Chairman.*