

## Calendar No. 324

114TH CONGRESS  
1ST SESSION**H. R. 998****[Report No. 114–180]**

## IN THE SENATE OF THE UNITED STATES

JULY 28, 2015

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

DECEMBER 15, 2015

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**AN ACT**

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.

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 “Preclearance Author-  
5       ization Act of 2015”.

1 **SEC. 2. DEFINITION.**

2       In this Act, the term “appropriate congressional com-  
3 mittees” means the Committee on Homeland Security and  
4 the Committee on Ways and Means of the House of Rep-  
5 resentatives and the Committee on Homeland Security  
6 and Governmental Affairs and the Committee on Finance  
7 of the Senate.

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

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

13           (1) prevent terrorists, instruments of terrorism,  
14       and other security threats from entering the United  
15       States;

16           (2) prevent inadmissible persons from entering  
17       the United States;

18           (3) ensure merchandise destined for the United  
19       States complies with applicable laws;

20           (4) ensure the prompt processing of persons eli-  
21       gible to travel to the United States; and

22           (5) accomplish such other objectives as the Sec-  
23       retary determines necessary to protect the United  
24       States.

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

2 (a) NOTIFICATION.—Not later than 180 days before  
3 entering into an agreement with the government of a for-  
4 eign country to establish U.S. Customs and Border Pro-  
5 tection preclearance operations in such foreign country,  
6 the Secretary of Homeland Security shall provide to the  
7 appropriate congressional committees the following:

8 (1) A copy of the proposed agreement to estab-  
9 lish such preclearance operations, including an iden-  
10 tification of the foreign country with which U.S.  
11 Customs and Border Protection intends to enter into  
12 a preclearance agreement, the location at which such  
13 preclearance operations will be conducted, and the  
14 terms and conditions for U.S. Customs and Border  
15 Protection personnel operating at the location.

16 (2) An estimate of the date on which U.S. Cus-  
17 toms and Border Protection intends to establish  
18 preclearance operations under such agreement.

19 (3) The anticipated funding sources for  
20 preclearance operations under such agreement, and  
21 other funding sources considered.

22 (4) An assessment of the impact such  
23 preclearance operations will have on legitimate trade  
24 and travel, including potential impacts on passengers  
25 traveling to the United States.

1           (5) A homeland security threat assessment for  
2           the country in which such preclearance operations  
3           are to be established.

4           (6) An assessment of the impacts such  
5           preclearance operations will have on U.S. Customs  
6           and Border Protection domestic port of entry staff-  
7           ing.

8           (7) Information on potential economic, competi-  
9           tive, and job impacts on United States air carriers  
10          associated with establishing such preclearance oper-  
11          ations.

12          (8) Information on the anticipated homeland se-  
13          curity benefits associated with establishing such  
14          preclearance operations.

15          (9) Information on potential security  
16          vulnerabilities associated with commencing such  
17          preclearance operations, and mitigation plans to ad-  
18          dress such potential security vulnerabilities.

19          (10) A U.S. Customs and Border Protection  
20          staffing model for such preclearance operations, and  
21          plans for how such positions would be filled.

22          (11) Information on the anticipated costs over  
23          the next 5 fiscal years associated with commencing  
24          such preclearance operations.

1           ~~(12)~~ A copy of the agreement referred to in  
2       subsection (a) of section 5.

3           ~~(13)~~ Other factors that the Secretary of Home-  
4       land Security determines to be necessary for Con-  
5       gress to comprehensively assess the appropriateness  
6       of commencing such preclearance operations.

7       ~~(b)~~ CERTIFICATIONS RELATING TO PRECLEARANCE  
8       OPERATIONS ESTABLISHED AT AIRPORTS.—In the case of  
9       an airport, in addition to the notification requirements  
10      under subsection (a), not later than 90 days before enter-  
11      ing into an agreement with the government of a foreign  
12      country to establish U.S. Customs and Border Protection  
13      preclearance operations at an airport in such foreign coun-  
14      try, the Secretary of Homeland Security shall provide to  
15      the appropriate congressional committees the following:

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

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

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

24           ~~(B)~~ the access of all United States pas-  
25      senger carriers to such preclearance operations

1 is the same as the access of any non-United  
2 States passenger carrier.

3 ~~(3) A certification that the Secretary of Home-~~  
4 ~~land Security has considered alternative options to~~  
5 ~~preclearance operations and has determined that~~  
6 ~~such options are not the most effective means of~~  
7 ~~achieving the objectives specified in section 3.~~

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

12 ~~(5) An explanation of other objectives that will~~  
13 ~~be served by the establishment of preclearance oper-~~  
14 ~~ations in such foreign country.~~

15 ~~(6) A certification that representatives from~~  
16 ~~U.S. Customs and Border Protection consulted pub-~~  
17 ~~lically with interested parties, including providers of~~  
18 ~~commercial air service in the United States, employ-~~  
19 ~~ees of such providers, security experts, and such~~  
20 ~~other parties as the Secretary determines to be ap-~~  
21 ~~propriate, before entering into such an agreement~~  
22 ~~with such foreign government.~~

23 ~~(7) A report detailing the basis for the certifi-~~  
24 ~~cations referred to in paragraphs (1) through (6).~~

1        ~~(c) MODIFICATION OF EXISTING AGREEMENTS.—~~

2        Not later than 30 days before substantially modifying a  
3        preclearance agreement with the government of a foreign  
4        country in effect as of the date of the enactment of this  
5        Act, the Secretary of Homeland Security shall provide to  
6        the appropriate congressional committees a copy of the  
7        proposed agreement, as modified, and the justification for  
8        such modification.

9        ~~(d) REMEDIATION PLAN.—~~

10        ~~(1) IN GENERAL.—~~The Commissioner of U.S.  
11        Customs and Border Protection shall monthly meas-  
12        ure the average customs processing time to enter the  
13        25 United States airports that support the highest  
14        volume of international travel (as determined by  
15        available Federal passenger data) and provide to the  
16        appropriate congressional committees such measure-  
17        ments.

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

1           (3) SUBMISSION.—Based on the assessment  
2           conducted under paragraph (2), if the Commissioner  
3           of U.S. Customs and Border Protection determines  
4           that the average customs processing time referred to  
5           in paragraph (1) significantly exceeds the average  
6           customs processing time to enter the United States  
7           through a preclearance operation described in para-  
8           graph (2), the Commissioner shall, not later than 60  
9           days after making such determination, provide to  
10          the appropriate congressional committees a remedi-  
11          ation plan for reducing such average customs pro-  
12          cessing time referred to in paragraph (1).

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

20          (5) SUSPENSION.—If the Commissioner of U.S.  
21          Customs and Border Protection does not submit the  
22          remediation plan referred to in paragraph (3) within  
23          60 days in accordance with such paragraph, the  
24          Commissioner may not, until such time as such re-  
25          mediation plan is submitted, conduct any negotia-

1        tions relating to preclearance operations at an air-  
 2        port in any country or commence any such  
 3        preclearance operations.

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

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

13       **SEC. 5. AVIATION SECURITY SCREENING AT**  
 14            **PRECLEARANCE AIRPORTS.**

15            (a) **AVIATION SECURITY STANDARDS AGREEMENT.**—  
 16        Prior to the commencement of preclearance operations at  
 17        an airport in a foreign country under this Act, the Admin-  
 18        istrator of the Transportation Security Administration  
 19        shall enter into an agreement with the government of such  
 20        foreign country that delineates and requires the adoption  
 21        of aviation security screening standards that are deter-  
 22        mined by the Administrator to be comparable to those of  
 23        the United States.

24            (b) **AVIATION SECURITY RESCREENING.**—If the Ad-  
 25        ministrator of the Transportation Security Administration

1 determines that the government of a foreign country has  
2 not maintained security standards and protocols com-  
3 parable to those of the United States at airports at which  
4 preclearance operations have been established in accord-  
5 ance with an agreement entered into pursuant to sub-  
6 section (a), the Administrator shall require the rescreening  
7 in the United States by the Transportation Security Ad-  
8 ministration of passengers and their property before such  
9 passengers may deplane into sterile areas of airports in  
10 the United States.

11 (c) SELECTEES.—Any passenger who is determined  
12 to be a selectee based on a check against a terrorist watch  
13 list and arrives on a flight originating from a foreign air-  
14 port at which preclearance operations have been estab-  
15 lished in accordance with an agreement entered into pur-  
16 suant to subsection (a), shall be required to undergo secu-  
17 rity rescreening by the Transportation Security Adminis-  
18 tration before being permitted to board a domestic flight  
19 in the United States.

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

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

1           (1) that it routinely submits information about  
 2           lost and stolen passports of its citizens and nationals  
 3           to INTERPOL's Stolen and Lost Travel Document  
 4           database; or

5           (2) makes available to the United States Gov-  
 6           ernment such information through another com-  
 7           parable means of reporting.

8   **SEC. 7. EFFECTIVE DATE.**

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

14   **SECTION 1. SHORT TITLE.**

15          *This Act may be cited as the “Preclearance Authoriza-*  
 16          *tion Act of 2015”.*

17   **SEC. 2. DEFINITION.**

18          *In this Act:*

19               (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
 20               *TEES.—The term “appropriate congressional commit-*  
 21               *tees” means—*

22                       (A) *the Committee on Homeland Security*  
 23                       *and Governmental Affairs of the Senate;*

24                       (B) *the Committee on Finance of the Sen-*  
 25                       *ate;*

1                   (C) the Committee on Commerce, Science,  
2                   and Transportation of the Senate;

3                   (D) the Committee on Appropriations of the  
4                   Senate;

5                   (E) the Committee on Homeland Security  
6                   of the House of Representatives;

7                   (F) the Committee on Ways and Means of  
8                   the House of Representatives; and

9                   (G) the Committee on Appropriations of the  
10                  House of Representatives.

11               (2) CBP.—The term “CBP” means U.S. Cus-  
12               toms and Border Protection.

13               (3) SECRETARY.—The term “Secretary” means  
14               the Secretary of Homeland Security.

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

16               Pursuant to section 629 of the Tariff Act of 1930 (19  
17               U.S.C. 1629) and section 103(a)(7) of the Immigration and  
18               Nationality Act (8 U.S.C. 1103(a)(7)), and provided that  
19               an aviation security preclearance agreement (as defined in  
20               section 44901(d)(4)(B) of title 49, United States Code) is  
21               in effect, the Secretary may establish and maintain U.S.  
22               Customs and Border Protection preclearance operations in  
23               a foreign country—

1           (1) to prevent terrorists, instruments of ter-  
 2           rorism, and other security threats from entering the  
 3           United States;

4           (2) to prevent inadmissible persons from enter-  
 5           ing the United States;

6           (3) to ensure that merchandise destined for the  
 7           United States complies with applicable laws;

8           (4) to ensure the prompt processing of persons el-  
 9           igible to travel to the United States; and

10          (5) to accomplish such other objectives as the  
 11          Secretary determines are necessary to protect the  
 12          United States.

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

14          (a) *INITIAL NOTIFICATION.*—Not later than 60 days  
 15 before an agreement is entered into force with the govern-  
 16 ment of a foreign country to establish U.S. Customs and  
 17 Border Protection preclearance operations in such foreign  
 18 country, the Secretary shall provide the appropriate con-  
 19 gressional committees with—

20           (1) a copy of the agreement to establish such  
 21           preclearance operations, which shall include—

22                   (A) the identification of the foreign country  
 23                   with which U.S. Customs and Border Protection  
 24                   intends to enter into a preclearance agreement;

1           (B) the location at which such preclearance  
2           operations will be conducted; and

3           (C) the terms and conditions for U.S. Cus-  
4           toms and Border Protection personnel operating  
5           at the location;

6           (2) an assessment of the impact such  
7           preclearance operations will have on legitimate trade  
8           and travel, including potential impacts on passengers  
9           traveling to the United States;

10          (3) an assessment of the impacts such  
11          preclearance operations will have on U.S. Customs  
12          and Border Protection domestic port of entry staffing;

13          (4) country-specific information on the antici-  
14          pated homeland security benefits associated with es-  
15          tablishing such preclearance operations;

16          (5) information on potential security  
17          vulnerabilities associated with commencing such  
18          preclearance operations and mitigation plans to ad-  
19          dress such potential security vulnerabilities;

20          (6) a U.S. Customs and Border Protection staff-  
21          ing model for such preclearance operations and plans  
22          for how such positions would be filled; and

23          (7) information on the anticipated costs over the  
24          next 5 fiscal years associated with commencing such  
25          preclearance operations.

1       (b) *FURTHER NOTIFICATION RELATING TO*  
2 *PRECLEARANCE OPERATIONS ESTABLISHED AT AIR-*  
3 *PORTS.*—*Not later than 45 days before an agreement is en-*  
4 *tered into force with the government of a foreign country*  
5 *to establish U.S. Customs and Border Protection*  
6 *preclearance operations at an airport in such country, the*  
7 *Secretary, in addition to complying with the notification*  
8 *requirements under subsection (a), shall provide the appro-*  
9 *priate congressional committees with—*

10           (1) *an estimate of the date on which U.S. Cus-*  
11 *toms and Border Protection intends to establish*  
12 *preclearance operations under such agreement, in-*  
13 *cluding any pending caveats that must be resolved be-*  
14 *fore preclearance operations are approved;*

15           (2) *the anticipated funding sources for*  
16 *preclearance operations under such agreement, and*  
17 *other funding sources considered;*

18           (3) *a homeland security threat assessment for the*  
19 *country in which such preclearance operations are to*  
20 *be established;*

21           (4) *information on potential economic, competi-*  
22 *tive, and job impacts on United States air carriers*  
23 *associated with establishing such preclearance oper-*  
24 *ations;*

1           (5) details on information sharing mechanisms  
2           to ensure that U.S. Customs and Border Protection  
3           has current information to prevent terrorist and  
4           criminal travel; and

5           (6) other factors that the Secretary determines to  
6           be necessary for Congress to comprehensively assess  
7           the appropriateness of commencing such preclearance  
8           operations.

9           (c) CERTIFICATIONS RELATING TO PRECLEARANCE  
10          OPERATIONS ESTABLISHED AT AIRPORTS.—Not later than  
11          60 days before an agreement is entered into force with the  
12          government of a foreign country to establish U.S. Customs  
13          and Border Protection preclearance operations at an air-  
14          port in such country, the Secretary, in addition to com-  
15          plying with the notification requirements under subsections  
16          (a) and (b), shall provide the appropriate congressional  
17          committees with—

18               (1) a certification that preclearance operations  
19               under such preclearance agreement, after considering  
20               alternative options, would provide homeland security  
21               benefits to the United States through the most effective  
22               means possible;

23               (2) a certification that preclearance operations  
24               within such foreign country will be established under  
25               such agreement only if—

1           (A) at least 1 United States passenger car-  
2           rier operates at such airport; and

3           (B) any United States passenger carriers  
4           operating at such airport and desiring to par-  
5           ticipate in preclearance operations are provided  
6           access that is comparable to that of any non-  
7           United States passenger carrier operating at  
8           that airport;

9           (3) a certification that the establishment of  
10          preclearance operations in such foreign country will  
11          not significantly increase customs processing times at  
12          United States airports;

13          (4) a certification that representatives from U.S.  
14          Customs and Border Protection consulted with stake-  
15          holders, including providers of commercial air service  
16          in the United States, employees of such providers, se-  
17          curity experts, and such other parties as the Secretary  
18          determines to be appropriate; and

19          (5) a report detailing the basis for the certifi-  
20          cations referred to in paragraphs (1) through (4).

21          (d) AMENDMENT OF EXISTING AGREEMENTS.—Not  
22          later than 30 days before a substantially amended  
23          preclearance agreement is entered into force with the gov-  
24          ernment of a foreign country in effect as of the date of the

1 *enactment of this Act, the Secretary shall provide to the*  
2 *appropriate congressional committees—*

3 *(1) a copy of the agreement, as amended; and*

4 *(2) the justification for such amendment.*

5 *(e) IMPLEMENTATION PLAN.—*

6 *(1) IN GENERAL.—The Commissioner of U.S.*  
7 *Customs and Border Protection shall report to the ap-*  
8 *propriate congressional committees, on a quarterly*  
9 *basis—*

10 *(A) the number of Customs and Border Pro-*  
11 *tection Officers, by port, assigned from domestic*  
12 *ports of entry to preclearance operations; and*

13 *(B) the number of the positions described in*  
14 *subparagraph (A) that have been filled by an-*  
15 *other hired, trained, and equipped Customs and*  
16 *Border Protection Officer.*

17 *(2) SUBMISSION.—If the Commissioner has not*  
18 *filled the positions of Customs and Border Protection*  
19 *Officers that were reassigned to preclearance oper-*  
20 *ations and determines that Customs and Border Pro-*  
21 *tection processing times at domestic ports of entry*  
22 *from which Customs and Border Protection Officers*  
23 *were reassigned to preclearance operations has sig-*  
24 *nificantly increased, the Commissioner, not later than*  
25 *60 days after making such a determination, shall sub-*

1        *mit, to the appropriate congressional committees, an*  
 2        *implementation plan for reducing Customs and Bor-*  
 3        *der Protection processing times at the domestic ports*  
 4        *of entry with such increased Customs and Border*  
 5        *Protection processing times.*

6            (3) *SUSPENSION.—If the Commissioner does not*  
 7        *submit the implementation plan described in para-*  
 8        *graph (2) to the appropriate congressional committees*  
 9        *before the deadline set forth in such paragraph, the*  
 10       *Commissioner may not commence preclearance oper-*  
 11       *ations at an additional port of entry in any country*  
 12       *until such implementation plan is submitted.*

13        (f) *CLASSIFIED REPORT.—The report required under*  
 14       *subsection (c)(5) may be submitted in classified form if the*  
 15       *Secretary determines that such form is appropriate.*

16       **SEC. 5. PROTOCOLS.**

17        *Section 44901(d)(4) of title 49, United States Code,*  
 18       *is amended by adding at the end the following:*

19            “(D) *RESCREENING REQUIREMENT.—If the*  
 20        *Administrator of the Transportation Security*  
 21        *Administration determines that the government*  
 22        *of a foreign country has not maintained security*  
 23        *standards and protocols comparable to those of*  
 24        *the United States at airports at which*  
 25        *preclearance operations have been established in*

1           *accordance with this paragraph, the Adminis-*  
2           *trator shall ensure that Transportation Security*  
3           *Administration personnel rescreen passengers ar-*  
4           *riving from such airports and their property in*  
5           *the United States before such passengers are per-*  
6           *mitted into sterile areas of airports in the*  
7           *United States.”.*

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

9           *The Secretary may not enter into an agreement with*  
10          *the government of a foreign country to establish or main-*  
11          *tain U.S. Customs and Border Protection preclearance op-*  
12          *erations at an airport in such country unless the Secretary*  
13          *certifies to the appropriate congressional committees that*  
14          *such government—*

15                *(1) routinely submits information about lost and*  
16                *stolen passports of its citizens and nationals to*  
17                *INTERPOL’s Stolen and Lost Travel Document*  
18                *database; or*

19                *(2) makes such information available to the*  
20                *United States Government through another com-*  
21                *parable means of reporting.*

1 **SEC. 7. RECOVERY OF INITIAL U.S. CUSTOMS AND BORDER**  
2 **PROTECTION PRECLEARANCE OPERATIONS**  
3 **COSTS.**

4 (a) *COST SHARING AGREEMENTS WITH RELEVANT*  
5 *AIRPORT AUTHORITIES.*—*The Commissioner of U.S. Cus-*  
6 *toms and Border Protection may enter into a cost sharing*  
7 *agreement with airport authorities in foreign countries at*  
8 *which preclearance operations are to be established or*  
9 *maintained if—*

10 (1) *an executive agreement to establish or main-*  
11 *tain such preclearance operations pursuant to the au-*  
12 *thorities under section 629 of the Tariff Act of 1930*  
13 *(19 U.S.C. 1629) and section 103(a)(7) of the Immi-*  
14 *gration and Nationality Act (8 U.S.C. 1103(a)(7))*  
15 *has been signed, but has not yet entered into force;*  
16 *and*

17 (2) *U.S. Customs and Border Protection has in-*  
18 *curred, or expects to incur, initial preclearance oper-*  
19 *ations costs in order to establish or maintain*  
20 *preclearance operations under the agreement described*  
21 *in paragraph (1).*

22 (b) *CONTENTS OF COST SHARING AGREEMENTS.*—

23 (1) *IN GENERAL.*—*Notwithstanding section*  
24 *13031(e) of the Consolidated Omnibus Budget Rec-*  
25 *onciliation Act of 1985 (19 U.S.C. 58c(e)) and section*  
26 *286(g) of the Immigration and Nationality Act (8*

1        *U.S.C. 1356(g)), any cost sharing agreement author-*  
 2        *ized under subsection (a) may provide for the airport*  
 3        *authority's payment to U.S. Customs and Border*  
 4        *Protection of its initial preclearance operations costs.*

5            (2) *TIMING OF PAYMENTS.—The airport*  
 6        *authority's payment to U.S. Customs and Border*  
 7        *Protection for its initial preclearance operations costs*  
 8        *may be made in advance of the incurrence of the costs*  
 9        *or on a reimbursable basis.*

10        (c) *ACCOUNT.—*

11            (1) *IN GENERAL.—All amounts collected pursu-*  
 12        *ant to any cost sharing agreement authorized under*  
 13        *subsection (a)—*

14            (A) *shall be credited as offsetting collections*  
 15        *to the currently applicable appropriation, ac-*  
 16        *count, or fund of U.S. Customs and Border Pro-*  
 17        *tection;*

18            (B) *shall remain available, until expended,*  
 19        *for the purposes for which such appropriation,*  
 20        *account, or fund is authorized to be used; and*

21            (C) *may be collected and shall be available*  
 22        *only to the extent provided in appropriations*  
 23        *Acts.*

24            (2) *RETURN OF UNUSED FUNDS.—Any advances*  
 25        *or reimbursements not used by U.S. Customs and*

1 *Border Protection may be returned to the relevant*  
 2 *airport authority.*

3 (3) *RULE OF CONSTRUCTION.*—*Nothing in this*  
 4 *subsection may be construed to preclude the use of ap-*  
 5 *propriated funds, from sources other than the pay-*  
 6 *ments collected under this Act, to pay initial*  
 7 *preclearance operation costs.*

8 (d) *DEFINED TERM.*—

9 (1) *IN GENERAL.*—*In this section, the term “ini-*  
 10 *tial preclearance operations costs” means the costs in-*  
 11 *curred, or expected to be incurred, by U.S. Customs*  
 12 *and Border Protection to establish or maintain*  
 13 *preclearance operations at an airport in a foreign*  
 14 *country, including costs relating to—*

15 (A) *hiring, training, and equipping new*  
 16 *CBP officers who will be stationed at United*  
 17 *States domestic ports of entry or other CBP fa-*  
 18 *cilities to backfill CBP officers to be stationed at*  
 19 *an airport in a foreign country to conduct*  
 20 *preclearance operations; and*

21 (B) *visits to the airport authority conducted*  
 22 *by CBP personnel necessary to prepare for the*  
 23 *establishment or maintenance of preclearance op-*  
 24 *erations at such airport, including the com-*  
 25 *pensation, travel expenses, and allowances pay-*

1           able to such CBP personnel attributable to such  
2           visits.

3           (2) *EXCEPTION.*—*The costs described in para-*  
4           *graph (1)(A) shall not include the salaries and bene-*  
5           *fits of new CBP officers once such officers are perma-*  
6           *nently stationed at a domestic United States port of*  
7           *entry or other domestic CBP facility after being*  
8           *hired, trained, and equipped.*

9           (e) *RULE OF CONSTRUCTION.*—*Except as otherwise*  
10          *provided in this section, nothing in this section may be con-*  
11          *strued as affecting the responsibilities, duties, or authorities*  
12          *of U.S. Customs and Border Protection.*

13          **SEC. 8. COLLECTION AND DISPOSITION OF FUNDS COL-**  
14                               **LECTED FOR IMMIGRATION INSPECTION**  
15                               **SERVICES AND PRECLEARANCE ACTIVITIES.**

16          (a) *IMMIGRATION AND NATIONALITY ACT.*—*Section*  
17          *286(i) of the Immigration and Nationality Act (8 U.S.C.*  
18          *1356(i)) is amended by striking the last sentence and insert-*  
19          *ing the following: “Reimbursements under this subsection*  
20          *may be collected in advance of the provision of such immi-*  
21          *gration inspection services. Notwithstanding subparagraph*  
22          *(h)(1)(B), and only to the extent provided in appropria-*  
23          *tions Acts, any amounts collected under this subsection shall*  
24          *be credited as offsetting collections to the currently applica-*  
25          *ble appropriation, account, or fund of U.S. Customs and*

1 *Border Protection, remain available until expended, and be*  
 2 *available for the purposes for which such appropriation, ac-*  
 3 *count, or fund is authorized to be used.”.*

4 *(b) FARM SECURITY AND RURAL INVESTMENT ACT OF*  
 5 *2002.—Section 10412(b) of the Farm Security and Rural*  
 6 *Investment Act of 2002 (7 U.S.C. 8311(b)) is amended to*  
 7 *read as follows:*

8 *“(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds*  
 9 *collected for preclearance activities—*

10 *“(1) may be collected in advance of the provision*  
 11 *of such activities;*

12 *“(2) shall be credited as offsetting collections to*  
 13 *the currently applicable appropriation, account, or*  
 14 *fund of U.S. Customs and Border Protection;*

15 *“(3) shall remain available until expended;*

16 *“(4) shall be available for the purposes for which*  
 17 *such appropriation, account, or fund is authorized to*  
 18 *be used; and*

19 *“(5) may be collected and shall be available only*  
 20 *to the extent provided in appropriations Acts.”.*

21 **SEC. 9. APPLICATION TO NEW AND EXISTING**  
 22 **PRECLEARANCE OPERATIONS.**

23 *Except for sections 4(d), 5, 7, and 8, this Act shall*  
 24 *only apply to the establishment of preclearance operations*  
 25 *in a foreign country in which no preclearance operations*

- 1 *have been established as of the date of the enactment of this*
- 2 *Act.*



Calendar No. 324

114TH CONGRESS  
1ST Session

**H. R. 998**

[Report No. 114-180]

**AN ACT**

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.

DECEMBER 15, 2015

Reported with an amendment