

(c) Duration of Committee**(1) In general**

The Committee shall terminate on the date that is 2 years after February 24, 2016, unless renewed by the President for a subsequent 2-year period.

(2) Continued renewal

The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

(d) Meetings

The Committee shall hold not fewer than 2 meetings each calendar year.

(e) Chairperson**(1) In general**

The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

(2) Reelection; subsequent terms

A chairperson of the Committee may be re-elected chairperson but is ineligible to serve consecutive terms as chairperson.

(f) Staff

The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

(g) Application of chapter 10 of title 5**(1) In general**

Except as provided in paragraph (2), the provisions of chapter 10 of title 5 shall apply to the Committee.

(2) Exception

Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 1009 and section 1010 of title 5 (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

(h) Authorization of appropriations

There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect \$1,000,000 to carry out this section.

(Pub. L. 114-125, title VII, § 702, Feb. 24, 2016, 130 Stat. 198; Pub. L. 117-286, § 4(a)(144), Dec. 27, 2022, 136 Stat. 4321.)

Editorial Notes

AMENDMENTS

2022—Subsec. (g). Pub. L. 117-286, § 4(a)(144)(A), substituted “chapter 10 of title 5” for “the Federal Advisory Committee Act” in heading.

Subsec. (g)(1). Pub. L. 117-286, § 4(a)(144)(B), substituted “chapter 10 of title 5” for “the Federal Advisory Committee Act (5 U.S.C. App.)”.

Subsec. (g)(2). Pub. L. 117-286, § 4(a)(144)(C), substituted “section 1009 and section 1010 of title 5” for “section 10 and section 11 of the Federal Advisory Committee Act” in introductory provisions.

SUBCHAPTER VII—PRECLEARANCE OPERATIONS

§ 4431. Definitions

In this subchapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) Secretary

The term “Secretary” means the Secretary of Homeland Security.

(Pub. L. 114-125, title VIII, § 812, Feb. 24, 2016, 130 Stat. 217.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§ 811-819) of title VIII of Pub. L. 114-125, which is classified principally to this subchapter. For complete classification of subtitle B to the Code, see Short Title note set out under section 4301 of this title and Tables.

§ 4432. Establishment of preclearance operations

Pursuant to section 1629 of this title and section 1103(a)(7) of title 8, and provided that an aviation security preclearance agreement (as defined in section 44901(d)(4)(B)¹ of title 49) is in effect, the Secretary may establish and maintain U.S. Customs and Border Protection preclearance operations in a foreign country—

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

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

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

(4) to ensure the prompt processing of persons eligible to travel to the United States; and

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

¹ See References in Text note below.

(Pub. L. 114-125, title VIII, § 813, Feb. 24, 2016, 130 Stat. 217.)

Editorial Notes

REFERENCES IN TEXT

Section 44901(d)(4)(B) of title 49, referred to in text, was redesignated section 44901(d)(2)(B) of title 49 by Pub. L. 115-254, div. K, title I, § 1991(d)(1)(C)(iii), Oct. 5, 2018, 132 Stat. 3628.

§ 4433. Notification and certification to Congress

(a) Initial notification

Not later than 60 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country enters into force, the Secretary shall provide the appropriate congressional committees with—

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

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

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

(C) the terms and conditions for U.S. Customs and Border Protection personnel operating at the location;

(2) 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;

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

(4) country-specific information on the anticipated homeland security benefits associated with establishing such preclearance operations;

(5) information on potential security vulnerabilities associated with commencing such preclearance operations and mitigation plans to address such potential security vulnerabilities;

(6) a U.S. Customs and Border Protection staffing model for such preclearance operations and plans for how such positions would be filled; and

(7) information on the anticipated costs over the 5 fiscal years after the agreement enters into force associated with commencing such preclearance operations.

(b) Further notification relating to preclearance operations established at airports

Not later than 45 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such country enters into force, the Secretary, in addition to complying with the notification requirements under subsection (a), shall provide the appropriate congressional committees with—

(1) an estimate of the date on which U.S. Customs and Border Protection intends to es-

tablish preclearance operations under such agreement, including any pending caveats that must be resolved before preclearance operations are approved;

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

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

(4) information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations;

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

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

(c) Certifications relating to preclearance operations established at airports

Not later than 60 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such country enters into force, the Secretary, in addition to complying with the notification requirements under subsections (a) and (b), shall provide the appropriate congressional committees with—

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

(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) any United States passenger carriers operating at such airport and desiring to participate in preclearance operations are provided access that is comparable to that of any non-United States passenger carrier operating at that airport;

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

(4) a certification that representatives from U.S. Customs and Border Protection consulted with stakeholders, 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; and

(5) a report detailing the basis for the certifications referred to in paragraphs (1) through (4).

(d) Amendment of existing agreements

Not later than 30 days before a substantially amended preclearance agreement with the government of a foreign country in effect as of February 24, 2016, enters into force, the Secretary