

shall provide to the appropriate congressional committees—

- (1) a copy of the agreement, as amended; and
- (2) the justification for such amendment.

(e) Implementation plan

(1) In general

The Commissioner shall report to the appropriate congressional committees, on a quarterly basis—

- (A) the number of U.S. Customs and Border Protection officers, by port, assigned from domestic ports of entry to preclearance operations; and
- (B) the number of the positions at domestic ports of entry vacated by U.S. Customs and Border Protection officers described in subparagraph (A) that have been filled by other hired, trained, and equipped U.S. Customs and Border Protection officers.

(2) Submission

If the Commissioner has not filled the positions of U.S. Customs and Border Protection officers that were reassigned to preclearance operations and determines that U.S. Customs and Border Protection processing times at domestic ports of entry from which U.S. Customs and Border Protection officers were reassigned to preclearance operations have significantly increased, the Commissioner, not later than 60 days after making such a determination, shall submit to the appropriate congressional committees an implementation plan for reducing processing times at the domestic ports of entry with such increased processing times.

(3) Suspension

If the Commissioner does not submit the implementation plan described in paragraph (2) to the appropriate congressional committees before the deadline set forth in such paragraph, the Commissioner may not commence preclearance operations at an additional port of entry in any country until such implementation plan is submitted.

(f) Classified report

The report required under subsection (c)(5) may be submitted in classified form if the Secretary determines that such form is appropriate.

(Pub. L. 114–125, title VIII, § 814, Feb. 24, 2016, 130 Stat. 218.)

§ 4434. Lost and stolen passports

The Secretary may not enter into 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 country unless the Secretary certifies to the appropriate congressional committees that such government—

- (1) 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 such information available to the United States Government through another comparable means of reporting.

(Pub. L. 114–125, title VIII, § 816, Feb. 24, 2016, 130 Stat. 220.)

§ 4435. Recovery of initial U.S. Customs and Border Protection preclearance operations costs

(a) Cost sharing agreements with relevant airport authorities

The Commissioner may enter into a cost sharing agreement with airport authorities in foreign countries at which preclearance operations are to be established or maintained if—

- (1) an executive agreement to establish or maintain such preclearance operations pursuant to the authorities under section 1629 of this title and section 1103(a)(7) of title 8 has been signed, but has not yet entered into force; and

- (2) U.S. Customs and Border Protection has incurred, or expects to incur, initial preclearance operations costs in order to establish or maintain preclearance operations under the agreement described in paragraph (1).

(b) Contents of cost sharing agreements

(1) In general

Notwithstanding section 58c(e) of this title and section 1356(g) of title 8, any cost sharing agreement with an airport authority authorized under subsection (a) may provide for the airport authority's payment to U.S. Customs and Border Protection of its initial preclearance operations costs.

(2) Timing of payments

The airport authority's payment to U.S. Customs and Border Protection for its initial preclearance operations costs may be made in advance of the incurrence of the costs or on a reimbursable basis.

(c) Account

(1) In general

All amounts collected pursuant to any cost sharing agreement authorized under subsection (a)—

- (A) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;
- (B) shall remain available, until expended, for the purposes for which such appropriation, account, or fund is authorized to be used; and
- (C) may be collected and shall be available only to the extent provided in appropriations Acts.

(2) Return of unused funds

Any advances or reimbursements not used by U.S. Customs and Border Protection may be returned to the relevant airport authority.

(3) Rule of construction

Nothing in this subsection may be construed to preclude the use of appropriated funds from sources other than the payments collected under this subchapter to pay initial preclearance operation costs.

(d) Defined term

(1) In general

In this section, the term “initial preclearance operations costs” means the