

[H.R. 998, Preclearance Authorization Act of 2015, as amended](#)

FLOOR SITUATION

On Monday, July 27, 2015, the House will consider [H.R. 998](#), *the Preclearance Authorization Act of 2015*, under suspension of the rules. H.R. 998 was introduced on February 13, 2015 by Rep. Patrick Meehan (R-PA) and was referred to the Committee on Homeland Security, and in addition to, the Committee on Ways and Means. The Committee on Homeland Security ordered the bill reported, as amended, by voice vote on June 25, 2015.

SUMMARY

H.R. 998 sets 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. Specifically, the bill:

- Authorizes the Department of Homeland Security to establish preclearance operations in a foreign country.
- Requires the Secretary of Homeland Security to notify Congress 180 days before entering into an agreement with a foreign government to establish a preclearance operation and provide Congress with: a copy of the proposed agreement; any proposed terms and conditions for Customs and Border Protection (CBP) officers operating at the location; an impact assessment on trade and travel; a threat assessment of the proposed location; an impact assessment for CBP staffing at domestic ports of entry' potential economic and competitive impacts on United States air carriers; any anticipated homeland security benefits, security vulnerabilities; and, mitigation plans, and anticipated costs.
- Requires the Secretary of Homeland Security to report to Congress 90 days before entering into an agreement and certify: the homeland security benefits of the proposed preclearance operation; that at least one United States passenger air 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; new airport preclearance operations will not increase customs processing times at United States airports; and CBP consulted interested parties and stakeholders.
- Directs the Secretary to provide Congress with a remediation plan to reduce customs processing times at the 25 domestic airports with the highest volume of international travel and

implement such a plan if the average quarterly customs processing times of those 25 airports is significantly greater than the average customs processing times at a preclearance operation. If such a plan is not submitted and enacted, the Commissioner of CBP is prohibited from conducting any negotiations relating to preclearance operations or entering new preclearance agreements.

- Requires that aviation security screening standards at a preclearance location are comparable to those required by the Transportation Security Administration (TSA). If, at any time, aviation screening procedures at a preclearance location are not maintained to TSA standards, rescreening can occur when the passenger or goods are in the United States.
- Mandates that a foreign country with a preclearance facility routinely submits information concerning stolen and lost travel documents to INTERPOL and the U.S. government.

BACKGROUND

Preclearance operations involve the inspection of travelers and property by CBP officers in foreign locations prior to travel to the United States. This concept of pushing the borders of the United States outward is meant to detect and deter threats before they reach American soil. The primary function of any preclearance operation is to enhance national security by preventing terrorists and other inadmissible persons and goods from entering the United States while continuing to facilitate the expedient processing of persons eligible to travel to the United States.¹ CBP operates 16 preclearance facilities in Canada, the Bahamas, Aruba, Ireland, and most recently the United Arab Emirates (UAE).²

In 2013, the Department of Homeland Security (DHS) established preclearance operations at Abu Dhabi International Airport in the UAE. 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. This legislation, similar to H.R. 3488 introduced in the 113th Congress, was introduced as a result of significant concerns that the agreement was executed without suitable congressional notification or an adequate security justification for establishing preclearance operations in Abu Dhabi. DHS has indicated its intent to enter into additional negotiations with the Netherlands, United Kingdom, Turkey, Spain, Belgium, Japan, Sweden, Norway, and the Dominican Republic to establish preclearance facilities in those countries.³

In the 113th Congress, the House of Representatives passed nearly identical legislation, [H.R. 3488](#), by voice vote on July 8, 2014. The Senate did not act on the bill before Congress adjourned.

COST

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 998 would not significantly affect DHS spending. Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

STAFF CONTACT

¹ See House Report [114-219](#) at 9.

² Id at 4.

³ Id at 4 and 5.

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.