

113TH CONGRESS
1ST SESSION

H. R. 3488

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2013

Mr. MEEHAN (for himself, Mr. DeFAZIO, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BRADY of Pennsylvania, Mrs. BROOKS of Indiana, Mr. BROUN of Georgia, Mr. CARSON of Indiana, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COLE, Mr. CROWLEY, Mr. RODNEY DAVIS of Illinois, Mr. GERLACH, Mr. GIBSON, Mr. GENE GREEN of Texas, Mr. GRIMM, Mrs. HARTZLER, Mr. HIGGINS, Mr. JOHNSON of Ohio, Mr. JOHNSON of Georgia, Mr. JONES, Mr. JOYCE, Mr. KEATING, Mr. KING of New York, Mr. LANCE, Mr. LoBiondo, Ms. McCOLLUM, Mr. MCKINLEY, Ms. MENG, Mrs. MILLER of Michigan, Mr. NADLER, Mrs. NAPOLITANO, Mr. PALONE, Mr. PASCRELL, Mr. PETERS of Michigan, Mr. RANGEL, Mr. RENACCI, Mr. ROGERS of Alabama, Mr. SCALISE, Ms. TITUS, Mr. WESTMORELAND, Ms. WILSON of Florida, Mr. FITZPATRICK, Mr. SOUTHERLAND, Mr. RAHALL, Mr. BUCSHON, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mr. HUIZENGA of Michigan, Mr. COURTNEY, Mr. SESSIONS, Mr. LEWIS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUIZ, Mr. COLLINS of New York, Mr. STIVERS, Ms. BROWN of Florida, Ms. DeLAURO, Mr. POE of Texas, Mr. RADEL, and Mr. GRAVES of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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. AUTHORITY TO ESTABLISH PRECLEARANCE**
 4 **FACILITIES, CONDUCT PRECLEARANCE OP-**
 5 **ERATIONS, AND PROVIDE CUSTOMS SERV-**
 6 **ICES OUTSIDE THE UNITED STATES.**

7 (a) AUTHORITY.—

8 (1) IN GENERAL.—Notwithstanding any other
 9 provision of law and only in accordance with the pro-
 10 visions of subsection (b), the Secretary of Homeland
 11 Security (hereafter in this Act referred to as the
 12 “Secretary”) may, on or after the date of the enact-
 13 ment of this Act, establish a preclearance facility,
 14 conduct preclearance operations, or provide customs
 15 services outside the United States to prevent terror-
 16 ists, terrorist instruments, and other national secu-
 17 rity threats from gaining access to the United
 18 States.

19 (2) NON-APPLICABILITY.—The provisions of
 20 paragraph (1) shall not apply to any preclearance
 21 facility that was in operation, operations that were
 22 being conducted, or customs services that were being

1 provided outside the United States prior to the date
2 of the enactment of this Act. Any preclearance facil-
3 ity located, preclearance operations conducted, or
4 customs services provided at Abu Dhabi Inter-
5 national Airport, Al Maktoum International Airport,
6 or Dubai International Airport in the United Arab
7 Emirates, or Doha International Airport in Qatar,
8 shall not be considered to have been in operation,
9 conducted, or provided, as the case may be, prior to
10 the date of the enactment of this Act for purposes
11 of the preceding sentence, and no such facility, oper-
12 ations, or services may be established, conducted, or
13 provided, as the case may be, at any of such airports
14 on or after such date.

15 (b) NOTICE AND ASSESSMENT.—

16 (1) NOTICE.—

17 (A) IN GENERAL.—Not later than 180
18 days before entering into any agreement to es-
19 tablish a preclearance facility, conduct preclear-
20 ance operations, or provide customs services
21 outside the United States, the Secretary shall
22 provide to the appropriate congressional com-
23 mittees a notice of intent to establish such facil-
24 ity, conduct such operations, or provide such
25 services. Such notice shall include—

1 (i) an assessment by the Secretary of
2 the impacts on passengers traveling to the
3 United States of establishing such facility,
4 conducting such operations, or providing
5 such services;

6 (ii) an assessment by the Secretary of
7 the economic impacts on United States air
8 carriers of establishing such facility, con-
9 ducting such operations, or providing such
10 services, including the network effects, im-
11 pact on global traffic flows, impacts on rel-
12 evant alliance partnerships or joint ven-
13 tures of such air carriers, and any associ-
14 ated job impacts on employees of such air
15 carriers;

16 (iii) an assessment by the Secretary of
17 the security benefits and liabilities that will
18 result from establishing such facility, con-
19 ducting such operations, or providing such
20 services;

21 (iv) an assessment by the Secretary of
22 the impact on customs staffing at United
23 States airports that will result from estab-
24 lishing such facility, conducting such oper-
25 ations, or providing such services; and

1 (v) such other factors as the Secretary
2 determines to be relevant and necessary for
3 the appropriate congressional committees
4 to adequately review the necessity of estab-
5 lishing such facility, conducting such oper-
6 ations, or providing such services.

7 (B) CONSULTATION.—In making the as-
8 sessments required under clauses (i), (ii), and
9 (iii) of subparagraph (A), the Secretary shall
10 consult with the Secretary of Transportation.

11 (C) COPY OF AGREEMENT.—The Secretary
12 shall provide to the appropriate congressional
13 committees, together with the notice of intent
14 required under subparagraph (A), a copy of the
15 agreement which is the subject of the notice of
16 intent.

17 (2) ASSESSMENT.—Any notice of intent pro-
18 vided under paragraph (1)(A), together with the
19 agreement under paragraph (1)(C) which is the sub-
20 ject of the notice of intent, shall be provided concu-
21 rently to the Government Accountability Office. Not
22 later than 60 days after receipt of such notice and
23 agreement, the Comptroller General of the United
24 States shall provide to the appropriate congressional
25 committees an assessment of the impacts on employ-

1 ment by United States air carriers of the establish-
2 ment of a preclearance facility, the conduct of
3 preclearance operations, or the provision of customs
4 services outside the United States as proposed under
5 the notice and agreement.

6 (3) EFFECTIVE DATE.—After providing a notice
7 of intent under paragraph (1)(A) with respect to an
8 agreement to establish a preclearance facility, con-
9 duct preclearance operations, or provide customs
10 services outside the United States, the Secretary
11 may enter into the agreement only after the expira-
12 tion of the applicable review period.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Homeland Security, the
17 Committee on Ways and Means, and the Committee
18 on Transportation and Infrastructure of the House
19 of Representatives; and

20 (2) the Committee on Homeland Security and
21 Governmental Affairs, the Committee on Finance,
22 and the Committee on Commerce, Science, and
23 Transportation of the Senate.

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