

Suspend the Rules and Pass the Bill, H.R. 5207, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 5207

To amend the Homeland Security Act of 2002 to establish the immigration advisory program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2018

Ms. MCSALLY (for herself, Mr. GALLAGHER, Mr. HIGGINS of Louisiana, and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish the immigration advisory program, 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 “Immigration Advisory
5 Program Authorization Act of 2018” or the “IAP Author-
6 ization Act of 2018”.

1 **SEC. 2. AUTHORIZATION OF THE IMMIGRATION ADVISORY**
2 **PROGRAM.**

3 (a) IN GENERAL.—Subtitle B of title IV of the
4 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 419. IMMIGRATION ADVISORY PROGRAM.**

7 “(a) IN GENERAL.—There is authorized within U.S.
8 Customs and Border Protection an immigration advisory
9 program (in this section referred to as the ‘program’) for
10 U.S. Customs and Border Protection officers, pursuant to
11 an agreement with a host country, to assist air carriers
12 and security employees at foreign airports with review of
13 traveler information during the processing of flights bound
14 for the United States.

15 “(b) ACTIVITIES.—In carrying out the program, U.S.
16 Customs and Border Protection officers may—

17 “(1) be present during processing of flights
18 bound for the United States;

19 “(2) assist air carriers and security employees
20 with document examination and traveler security as-
21 sessments;

22 “(3) provide relevant training to air carriers,
23 security employees, and host-country authorities;

24 “(4) analyze electronic passenger information
25 and passenger reservation data to identify potential
26 threats;

1 “(5) engage air carriers and travelers to con-
2 firm potential terrorist watchlist matches;

3 “(6) make recommendations to air carriers to
4 deny potentially inadmissible passengers boarding
5 flights bound for the United States; and

6 “(7) conduct other activities to secure flights
7 bound for the United States, as directed by the
8 Commissioner of U.S. Customs and Border Protec-
9 tion.

10 “(c) NOTIFICATION TO CONGRESS.—Not later than
11 60 days before an agreement with the government of a
12 host country pursuant to the program described in this
13 section enters into force, the Commissioner of U.S. Cus-
14 toms and Border Protection shall provide the Committee
15 on Homeland Security of the House of Representatives
16 and the Committee on Homeland Security and Govern-
17 mental Affairs of the Senate with—

18 “(1) a copy of such agreement, which shall in-
19 clude—

20 “(A) the identification of the host country
21 with which U.S. Customs and Border Protec-
22 tion intends to enter into such agreement;

23 “(B) the location at which activities de-
24 scribed in subsection (b) will be conducted pur-
25 suant to such agreement; and

1 “(C) the terms and conditions for U.S.
2 Customs and Border Protection personnel oper-
3 ating at such location;

4 “(2) country-specific information on the antici-
5 pated homeland security benefits associated with
6 such agreement;

7 “(3) an assessment of the impacts such agree-
8 ment will have on U.S. Customs and Border Protec-
9 tion domestic port of entry staffing;

10 “(4) information on the anticipated costs over
11 the five fiscal years after such agreement enters into
12 force associated with carrying out such agreement;

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

17 “(6) other factors that the Commissioner deter-
18 mines necessary for Congress to comprehensively as-
19 sess the appropriateness of carrying out the pro-
20 gram.

21 “(d) AMENDMENT OF EXISTING AGREEMENTS.—Not
22 later than 30 days before a substantially amended pro-
23 gram agreement with the government of a host country
24 in effect as of the date of the enactment of this section
25 enters into force, the Commissioner of U.S. Customs and

1 Border Protection shall provide to the Committee on
2 Homeland Security of the House of Representatives and
3 the Committee on Homeland Security and Governmental
4 Affairs of the Senate—

5 “(1) a copy of such agreement, as amended;
6 and

7 “(2) the justification for such amendment.

8 “(e) DEFINITIONS.—In this section, the terms ‘air
9 carrier’ and ‘foreign air carrier’ have the meanings given
10 such terms in section 40102 of title 49, United States
11 Code.”.

12 (b) CONFORMING AMENDMENT.—Subsection (c) of
13 section 411 of the Homeland Security Act of 2002 (6
14 U.S.C. 211) is amended—

15 (1) in paragraph (18), by striking “and” after
16 the semicolon at the end;

17 (2) by redesignating paragraph (19) as para-
18 graph (20); and

19 (3) by inserting after paragraph (18) the fol-
20 lowing new paragraph:

21 “(19) carry out section 419, relating to the im-
22 migration advisory program; and”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section

2 418 the following new item:

“Sec. 419. Immigration advisory program.”.