

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3488  
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Peclearance Author-  
3 ization Act of 2014”.

**4 SEC. 2. DEFINITION.**

5 In this Act, the term “appropriate congressional com-  
6 mittees” means the Committee on Homeland Security and  
7 the Committee on Ways and Means of the House of Rep-  
8 resentatives and the Committee on Homeland Security  
9 and Governmental Affairs and the Committee on Finance  
10 of the Senate.

**11 SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.**

12 Pursuant to section 1629 of title 19, United States  
13 Code, the Secretary of Homeland Security may establish  
14 U.S. Customs and Border Protection preclearance oper-  
15 ations in a foreign country to—

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

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

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

5           (4) ensure the expedited processing of persons  
6           eligible to travel to the United States; and

7           (5) accomplish such other objectives as the Sec-  
8           retary determines necessary to protect the United  
9           States.

10 **SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.**

11           (a) NOTIFICATION.—Not later than 180 days before  
12 entering into an agreement with the government of a for-  
13 eign country to establish U.S. Customs and Border Pro-  
14 tection preclearance operations in such foreign country,  
15 the Secretary of Homeland Security shall provide to the  
16 appropriate congressional committees the following:

17           (1) A copy of the proposed agreement to estab-  
18           lish such preclearance operations, which shall in-  
19           clude, at a minimum, the following:

20                   (A) An identification of the foreign country  
21                   with which U.S. Customs and Border Protec-  
22                   tion intends to enter into a preclearance agree-  
23                   ment, and the location at which such  
24                   preclearance operations will be conducted.

1 (B) An estimate of the date on which U.S.  
2 Customs and Border Protection intends to es-  
3 tablish preclearance operations under such  
4 agreement.

5 (C) The anticipated funding sources for  
6 preclearance operations under such agreement.

7 (2) An assessment of the impact such  
8 preclearance operations will have on legitimate trade  
9 and travel.

10 (3) A homeland security threat assessment for  
11 the country in which such preclearance operations  
12 are to be established.

13 (4) Impacts to U.S. Customs and Border Pro-  
14 tection domestic port of entry staffing and customs.

15 (b) CERTIFICATIONS.—Not later than 90 days before  
16 entering into an agreement with the government of a for-  
17 eign country to establish U.S. Customs and Border Pro-  
18 tection preclearance operations in such foreign country,  
19 the Secretary of Homeland Security shall provide to the  
20 appropriate congressional committees the following:

21 (1) A certification that preclearance operations  
22 under such preclearance agreement would provide  
23 homeland security benefits to the United States.

24 (2) In the case of an airport, a certification  
25 that preclearance operations at any airport within

1 such foreign country will be established under such  
2 agreement only if—

3 (A) at least one United States passenger  
4 carrier operates at such airport; and

5 (B) the access of all United States pas-  
6 senger carriers to such preclearance operations  
7 is the same as the access of any non-United  
8 States passenger carrier.

9 (3) A certification that the Secretary of Home-  
10 land Security has considered alternative options to  
11 preclearance operations and has determined that  
12 such options are not the most effective means of  
13 achieving the objectives specified in section 3.

14 (4) A certification that such foreign govern-  
15 ment's screening procedures for persons and mer-  
16 chandise entering the United States meet or exceed  
17 United States screening requirements.

18 (5) In the case of an airport, a certification  
19 that the establishment of preclearance operations in  
20 such foreign country will not increase customs proc-  
21 essing times at United States airports.

22 (6) An explanation of other objectives that will  
23 be served by the establishment of preclearance oper-  
24 ations in such foreign country.

1           (7) A certification that representatives from  
2           U.S. Customs and Border Protection consulted with  
3           interested parties, including providers of commercial  
4           air service in the United States, employees of such  
5           providers, security experts, and such other parties as  
6           the Secretary determines to be appropriate, before  
7           entering into such an agreement with such foreign  
8           government.

9           (8) A report detailing the basis for the certifi-  
10          cations referred to in paragraphs (1) through (7).

11          (c) MODIFICATION OF EXISTING AGREEMENTS.—  
12          Not later than 30 days before substantially modifying a  
13          preclearance agreement with the government of a foreign  
14          country in effect as of the date of the enactment of this  
15          Act, the Secretary of Homeland Security shall provide to  
16          the appropriate congressional committees a copy of the  
17          proposed agreement, as modified, and the justification for  
18          such modification.

19          (d) SUSPENSION OF PRECLEARANCE OPERATIONS.—  
20          The Secretary of Homeland Security shall immediately  
21          suspend preclearance operations in a foreign country dur-  
22          ing any time the screening of persons and merchandise  
23          conducted by such foreign government does not meet or  
24          exceed United States screening requirements.

1 (e) REMEDIATION PLAN.—In the case of an airport,  
2 if the average customs processing time (as measured by  
3 U.S. Customs and Border Protection) to enter the 20  
4 United States airports that support the highest volume of  
5 international travel (as determined by available Federal  
6 flight data) exceeds the average customs processing time  
7 to enter the United States through a preclearance oper-  
8 ation, the Secretary of Homeland Security shall provide  
9 to the appropriate congressional committees a remediation  
10 plan for reducing, within 90 days, the average customs  
11 processing times at such 20 airports.

12 (f) CLASSIFIED REPORT.—The assessment required  
13 pursuant to subsection (a)(3) and the report required pur-  
14 suant to subsection (b)(8) may be submitted in classified  
15 form if the Secretary of Homeland Security determines  
16 that such is appropriate.

17 **SEC. 5. EFFECTIVE DATE.**

18 Except for subsection (c), this Act shall not apply to  
19 the establishment of U.S. Customs and Border Protection  
20 preclearance operations in a foreign country in effect be-  
21 fore the date of the enactment of this Act.

