

Union Calendar No. 600

115TH CONGRESS
2^D SESSION

H. R. 5207

[Report No. 115-774]

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

JUNE 21, 2018

Additional sponsor: Mr. KATKO

JUNE 21, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 7, 2018]

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”.*

7 **SEC. 2. AUTHORIZATION OF THE IMMIGRATION ADVISORY**
8 **PROGRAM.**

9 *(a) IN GENERAL.—Subtitle B of title IV of the Home-*
10 *land Security Act of 2002 (6 U.S.C. 211 et seq.) is amended*
11 *by adding at the end the following new section:*

12 **“SEC. 420. IMMIGRATION ADVISORY PROGRAM.**

13 *“(a) IN GENERAL.—There is authorized within U.S.*
14 *Customs and Border Protection an immigration advisory*
15 *program (in this section referred to as the ‘program’) for*
16 *U.S. Customs and Border Protection officers, pursuant to*
17 *an agreement with a host country, to assist air carriers and*
18 *security employees at foreign airports with review of trav-*
19 *eler information during the processing of flights bound for*
20 *the United States.*

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

23 *“(1) be present during processing of flights*
24 *bound for the United States;*

1 “(2) assist air carriers and security employees
2 with document examination and traveler security as-
3 sessments;

4 “(3) provide relevant training to air carriers, se-
5 curity employees, and host-country authorities;

6 “(4) analyze electronic passenger information
7 and passenger reservation data to identify potential
8 threats;

9 “(5) engage air carriers and travelers to confirm
10 potential terrorist watchlist matches;

11 “(6) make recommendations to air carriers to
12 deny potentially inadmissible passengers boarding
13 flights bound for the United States; and

14 “(7) conduct other activities to secure flights
15 bound for the United States, as directed by the Com-
16 missioner of U.S. Customs and Border Protection.

17 “(c) NOTIFICATION TO CONGRESS.—Not later than 60
18 days before an agreement with the government of a host
19 country pursuant to the program described in this section
20 enters into force, the Commissioner of U.S. Customs and
21 Border Protection shall provide the Committee on Home-
22 land Security of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Affairs of
24 the Senate with—

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

3 “(A) the identification of the host country
4 with which U.S. Customs and Border Protection
5 intends to enter into such agreement;

6 “(B) the location at which activities de-
7 scribed in subsection (b) will be conducted pursu-
8 ant to such agreement; and

9 “(C) the terms and conditions for U.S. Cus-
10 toms and Border Protection personnel operating
11 at such location;

12 “(2) country-specific information on the antici-
13 pated homeland security benefits associated with such
14 agreement;

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

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

21 “(5) details on information sharing mechanisms
22 to ensure that U.S. Customs and Border Protection
23 has current information to prevent terrorist and
24 criminal travel; and

1 “(6) other factors that the Commissioner deter-
2 mines necessary for Congress to comprehensively as-
3 sess the appropriateness of carrying out the program.

4 “(d) *AMENDMENT OF EXISTING AGREEMENTS.*—Not
5 later than 30 days before a substantially amended program
6 agreement with the government of a host country in effect
7 as of the date of the enactment of this section enters into
8 force, the Commissioner of U.S. Customs and Border Pro-
9 tection shall provide to the Committee on Homeland Secu-
10 rity of the House of Representatives and the Committee on
11 Homeland Security and Governmental Affairs of the Sen-
12 ate—

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

14 “(2) the justification for such amendment.

15 “(e) *DEFINITIONS.*—In this section, the terms ‘air car-
16 rier’ and ‘foreign air carrier’ have the meanings given such
17 terms in section 40102 of title 49, United States Code.”.

18 “(b) *CONFORMING AMENDMENT.*—Subsection (c) of sec-
19 tion 411 of the Homeland Security Act of 2002 (6 U.S.C.
20 211) is amended—

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

23 (2) by redesignating paragraph (19) as para-
24 graph (20); and

1 (3) *by inserting after paragraph (18) the fol-*
2 *lowing new paragraph:*

3 “(19) *carry out section 420, relating to the im-*
4 *migration advisory program; and*”.

5 (c) *CLERICAL AMENDMENT.—The table of contents in*
6 *section 1(b) of the Homeland Security Act of 2002 is*
7 *amended by inserting after the item relating to section 419*
8 *the following new item:*

 “*Sec. 420. Immigration advisory program.*”.

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