

in place strong, effective technology programs to secure our borders. This bill requires that border security technology programs at the Department have an acquisition program baseline—a critical document that lays out what a program will do, what it will cost, and when it will be completed.

□ 1615

The bill also requires programs to adhere to internal control standards and have a plan for testing and evaluation as well as the use of independent verification and validation resources.

My district includes over 80 miles of our U.S. border with Mexico, and I have spent countless hours at the border meeting with border residents and our Border Patrol.

I know firsthand that, when our border technology project lacks the proper oversight and accountability, it is bad for the taxpayers, those who defend our border and those who live along our border.

The Committee on Homeland Security approved my legislation by a unanimous voice vote last month. I urge all Members to join me in supporting robust, responsible secure technology along our border.

I reserve the balance of my time.

Mr. VELA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1634, the Border Security Technology Accountability Act of 2015.

Over the past several years, the Government Accountability Office has examined the various Department of Homeland Security programs and concluded that DHS has not followed standard best practices for acquisitions management.

Though DHS has taken steps to improve its performance, specific deficiencies in how the Department carries out major acquisitions remain.

When a DHS acquisition program falls short in terms of effectiveness or efficiency, it not only risks undermining that program, but also risks wasting limited Homeland Security dollars.

For example, DHS spent hundreds of millions of dollars on the SBInet border security program before it was ultimately canceled. No doubt, this funding could have been put to far better use along our Nation's border.

The Border Security Technology Accountability Act would require each of the Department's major acquisitions for border security technology to have written documentation reflecting a baseline approved by the relevant acquisition decision authority and demonstrate that the program is meeting agreed-upon cost, schedule, and performance thresholds before moving into the next phase of the acquisition cycle.

The bill also requires the Under Secretary for Management, in coordination with the Commissioner of Customs and Border Protection, to submit to Congress a plan for testing and evalua-

tion as well as the use of independent verification and validation resources for border security technology.

There is need for improving acquisitions management at the Department of Homeland Security as a whole, and addressing border security technology acquisitions is an important step. We owe it to the American taxpayers to make sure we are managing these investments wisely and preventing wasteful spending.

Mr. Speaker, H.R. 1634 aims to focus and improve the way we invest in and manage border security technology by providing a specific framework for accountability and oversight on behalf of the American taxpayer.

I thank Congresswoman MCSALLY for her leadership in bringing this bill forward, and I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. MCSALLY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague, Mr. VELA, for his support and all of my colleagues on our committee for support for this bill.

I once again urge my colleagues to support transparency, accountability, and efficiency of vital border security technology projects.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Arizona (Ms. MCSALLY) that the House suspend the rules and pass the bill, H.R. 1634, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRECLEARANCE AUTHORIZATION ACT OF 2015

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 998) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preclearance Authorization Act of 2015".

SEC. 2. DEFINITION.

In this Act, the term "appropriate congressional committees" means the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.

Pursuant to section 1629 of title 19, United States Code, and subject to section 5, the

Secretary of Homeland Security may establish U.S. Customs and Border Protection preclearance operations in a foreign country to—

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

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

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

(4) ensure the prompt processing of persons eligible to travel to the United States; and

(5) accomplish such other objectives as the Secretary determines necessary to protect the United States.

SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.

(a) NOTIFICATION.—Not later than 180 days before entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

(1) A copy of the proposed agreement to establish such preclearance operations, including an identification of the foreign country with which U.S. Customs and Border Protection intends to enter into a preclearance agreement, the location at which such preclearance operations will be conducted, and the terms and conditions for U.S. Customs and Border Protection personnel operating at the location.

(2) An estimate of the date on which U.S. Customs and Border Protection intends to establish preclearance operations under such agreement.

(3) The anticipated funding sources for preclearance operations under such agreement, and other funding sources considered.

(4) An assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States.

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

(6) An assessment of the impacts such preclearance operations will have on U.S. Customs and Border Protection domestic port of entry staffing.

(7) Information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations.

(8) Information on the anticipated homeland security benefits associated with establishing such preclearance operations.

(9) Information on potential security vulnerabilities associated with commencing such preclearance operations, and mitigation plans to address such potential security vulnerabilities.

(10) A U.S. Customs and Border Protection staffing model for such preclearance operations, and plans for how such positions would be filled.

(11) Information on the anticipated costs over the next five fiscal years associated with commencing such preclearance operations.

(12) A copy of the agreement referred to in subsection (a) of section 5.

(13) Other factors that the Secretary of Homeland Security determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

(b) CERTIFICATIONS RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—In the case of an airport, in addition to the notification requirements under subsection (a), not later than 90 days before

entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

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

(2) A certification that preclearance operations within such foreign country will be established under such agreement only if—

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

(B) the access of all United States passenger carriers to such preclearance operations is the same as the access of any non-United States passenger carrier.

(3) A certification that the Secretary of Homeland Security has considered alternative options to preclearance operations and has determined that such options are not the most effective means of achieving the objectives specified in section 3.

(4) A certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports.

(5) An explanation of other objectives that will be served by the establishment of preclearance operations in such foreign country.

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

(7) A report detailing the basis for the certifications referred to in paragraphs (1) through (6).

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

(d) **REMEDATION PLAN.**—

(1) **IN GENERAL.**—The Commissioner of U.S. Customs and Border Protection shall monthly measure the average customs processing time to enter the 25 United States airports that support the highest volume of international travel (as determined by available Federal passenger data) and provide to the appropriate congressional committees such measurements.

(2) **ASSESSMENT.**—Based on the measurements described in paragraph (1), the Commissioner of U.S. Customs and Border Protection shall quarterly assess whether the average customs processing time referred to in such paragraph significantly exceeds the average customs processing time to enter the United States through a preclearance operation.

(3) **SUBMISSION.**—Based on the assessment conducted under paragraph (2), if the Commissioner of U.S. Customs and Border Protection determines that the average customs processing time referred to in paragraph (1) significantly exceeds the average customs processing time to enter the United States through a preclearance operation described in paragraph (2), the Commissioner shall, not later than 60 days after making such determination, provide to the appropriate congressional committees a remediation plan

for reducing such average customs processing time referred to in paragraph (1).

(4) **IMPLEMENTATION.**—Not later than 30 days after submitting the remediation plan referred to in paragraph (3), the Commissioner of United States Customs and Border Protection shall implement those portions of such plan that can be carried out using existing resources, excluding the transfer of personnel.

(5) **SUSPENSION.**—If the Commissioner of U.S. Customs and Border Protection does not submit the remediation plan referred to in paragraph (3) within 60 days in accordance with such paragraph, the Commissioner may not, until such time as such remediation plan is submitted, conduct any negotiations relating to preclearance operations at an airport in any country or commence any such preclearance operations.

(6) **STAKEHOLDER RECOMMENDATIONS.**—The remediation plan described in paragraph (3) shall consider recommendations solicited from relevant stakeholders.

(e) **CLASSIFIED REPORT.**—The assessment required pursuant to subsection (a)(5) and the report required pursuant to subsection (b)(7) may be submitted in classified form if the Secretary of Homeland Security determines that such is appropriate.

SEC. 5. AVIATION SECURITY SCREENING AT PRECLEARANCE AIRPORTS.

(a) **AVIATION SECURITY STANDARDS AGREEMENT.**—Prior to the commencement of preclearance operations at an airport in a foreign country under this Act, the Administrator of the Transportation Security Administration shall enter into an agreement with the government of such foreign country that delineates and requires the adoption of aviation security screening standards that are determined by the Administrator to be comparable to those of the United States.

(b) **AVIATION SECURITY RESCREENING.**—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), the Administrator shall require the rescreening in the United States by the Transportation Security Administration of passengers and their property before such passengers may deplane into sterile areas of airports in the United States.

(c) **SELECTEES.**—Any passenger who is determined to be a selectee based on a check against a terrorist watch list and arrives on a flight originating from a foreign airport at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), shall be required to undergo security rescreening by the Transportation Security Administration before being permitted to board a domestic flight in the United States.

SEC. 6. LOST AND STOLEN PASSPORTS.

The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country to establish or maintain U.S. Customs and Border Protection preclearance operations at an airport in such foreign country unless such government certifies—

(1) that it routinely submits information about lost and stolen passports of its citizens and nationals to INTERPOL's Stolen and Lost Travel Document database; or

(2) makes available to the United States Government such information through another comparable means of reporting.

SEC. 7. EFFECTIVE DATE.

Except for subsection (c) of section 4, this Act shall apply only to the establishment of

preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Texas (Mr. VELA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER from Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER from Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 998. Few issues actually have kept the CBP leadership busier over the last year than preclearance.

Failure to properly consult with stakeholders on preclearance expansion at Abu Dhabi caused a lot of consternation on Capitol Hill and certainly in the Homeland Security Committee last Congress.

This lack of appropriate congressional coordination and notification troubled many Members as well as the affected stakeholders, specifically, the airline industry.

We now hope that the Department will keep Congress fully abreast of future plans, especially in light of their recent announcement of the intention to expand preclearance to ten additional locations.

This bill, we believe, sets the groundwork for greater oversight and coordination on future preclearance operations.

I certainly want to thank Mr. MEEHAN from Pennsylvania, who was actually a former member on the Homeland Security Committee, who raised concerns with the Department of Homeland Security preclearance operations early in the Abu Dhabi agreement process.

His leadership has really been very, very important to the success of the legislation that we are considering today, Mr. Speaker.

Certainly we support preclearance where it makes sense as well as other CBP efforts to push out the border, if you will.

Preclearance has been an effective security screening and trade facilitation tool since the early 1950s, actually. Of course, since 9/11, the security value of these operations has only been heightened.

However, the mistakes of the Abu Dhabi agreement cannot be repeated. Expansion of preclearance must be done in such a way that it supports our security and does not disadvantage our domestic airlines.

This bill was very carefully crafted after several oversight hearings and numerous consultations with the Department, the airline industry, and Members from both parties. It is a bipartisan bill.

This bill sets the contours for future preclearance operations and incorporates a series of notifications and certifications, including a justification that outlines the Homeland Security benefit and impact to domestic staffing and wait times of any new preclearance operations.

As well, this bill requires that Congress be notified in the event that Department of Homeland Security modifies or changes an existing agreement at any one of the 17 existing preclearance locations.

Most importantly, we think, this bill makes very clear the Department of Homeland Security cannot establish new locations without conducting the due diligence that we in Congress expect.

Mr. Speaker, we need to balance security operations and economic impact here at home.

Finally, I would certainly like to thank Chairman PAUL RYAN of the Ways and Means Committee and his staff for working to bring this important bill to the floor.

Mr. Speaker, I reserve the balance of my time.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2015.
Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
Ford House Office Building, Washington,
DC.

DEAR CHAIRMAN MCCAUL, I am writing with respect to H.R. 998, the "Preclearance Authorization Act of 2015." As a result of your having consulted with us on provisions in H.R. 998 that fall within the Rule X jurisdiction of the Committee on Ways and Means, I agree to waive consideration of this bill so that it may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that by forgoing consideration of H.R. 998 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

PAUL D. RYAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 20, 2015.
Hon. PAUL RYAN,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN RYAN, Thank you for your letter regarding H.R. 998, the "Preclearance Authorization Act of 2015." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Ways and Means will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Ways and Means does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Ways and Means for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Mr. VELA. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 998, the Preclearance Authorization Act of 2015.

This bipartisan bill would authorize the Secretary of Homeland Security to establish U.S. Customs and Border Protection preclearance operations with 180 days' prior notification and certification to Congress that certain specified conditions exist.

These conditions include that there are Homeland Security benefits for establishment of the preclearance location, a U.S. air carrier service serves the location, and establishment of the location will not significantly increase customs processing wait times in the United States.

The bill would require all countries with preclearance locations to routinely submit information about lost and stolen passports of their citizens to INTERPOL's stolen and lost travel document database or make such information available to the U.S. through other means.

H.R. 998 is intended to address many of the shortcomings in DHS' deployment of preclearance to Abu Dhabi last year and ensure that Congress receives appropriate notice prior to future expansion of the program to new locations.

Similar legislation was passed by the House under suspension of the rules in July 2014, but no action was taken by the Senate. I urge my colleagues to support H.R. 998, sending it to the Senate for consideration in the 114th Congress.

H.R. 998 will help ensure that expansion of the Department of Homeland Security's preclearance program enhances our Nation's security, facilitates legitimate travel to the United States, and does not disadvantage do-

mestic air carriers or United States ports of entry.

I thank Congresswoman MILLER, the chairman of the Border and Maritime Security Subcommittee, for all of her efforts in bringing all these bills forward and for her strong bipartisan leadership.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mrs. MILLER from Michigan. Mr. Speaker, I, too, want to again indicate that these are bipartisan bills, the Homeland Security Committee bills that are coming forward on the floor.

I really have appreciated the opportunity and look forward to continuing to work with my ranking member, Mr. VELA, shoulder to shoulder on so many of these important issues before our country today.

So, Mr. Speaker, I would once again urge my colleagues to support this very strong bipartisan piece of legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER of Michigan) that the House suspend the rules and pass the bill, H.R. 998, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

IMPROVED SECURITY VETTING FOR AVIATION WORKERS ACT OF 2015

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2750) to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improved Security Vetting for Aviation Workers Act of 2015".

SEC. 2. AVIATION SECURITY.

(a) IN GENERAL.—Subtitle A of title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding after section 1601 the following new section:

"SEC. 1602. VETTING OF AVIATION WORKERS.

"(a) IN GENERAL.—By not later than December 31, 2015, the Administrator, in coordination with the Assistant Secretary for Policy of the Department, shall request from the Director of National Intelligence access to additional data from the Terrorist Identities Datamart Environment (TIDE) data and any or other terrorism-related information to improve the effectiveness of the Administration's credential vetting program for individuals with unescorted access to sensitive areas of airports.

"(b) SECURITY INSPECTION.—By not later than December 31, 2015, the Administrator