

115TH CONGRESS
2D SESSION

H. R. 5207

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Immigration Advisory
3 Program Authorization Act of 2018” or the “IAP Author-
4 ization Act of 2018”.

5 **SEC. 2. AUTHORIZATION OF THE IMMIGRATION ADVISORY**
6 **PROGRAM.**

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

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

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

19 “(b) ACTIVITIES.—In carrying out the program,
20 United States Customs and Border Protection officers
21 may—

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

24 “(2) assist air carriers and security employees
25 with document examination and traveler security as-
26 sessments;

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

3 “(4) analyze electronic passenger information
4 and passenger reservation data to identify potential
5 threats;

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

8 “(6) make recommendations to air carriers to
9 deny potentially inadmissible passengers boarding
10 flights bound for the United States; and

11 “(7) conduct other activities to secure flights
12 bound for the United States, as directed by the
13 Commissioner of United States Customs and Border
14 Protection.

15 “(c) NOTIFICATION TO CONGRESS.—Not later than
16 60 days before an agreement with the government of a
17 host country pursuant to the program described in this
18 section enters into force, the Commissioner of United
19 States Customs and Border Protection shall provide the
20 Committee on Homeland Security of the House of Rep-
21 resentatives and the Committee on Homeland Security
22 and Governmental Affairs of the Senate with—

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

1 “(A) the identification of the host country
2 with which United States Customs and Border
3 Protection intends to enter into such agree-
4 ment;

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

8 “(C) the terms and conditions for United
9 States Customs and Border Protection per-
10 sonnel operating at such location;

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

14 “(3) an assessment of the impacts such agree-
15 ment will have on United States Customs and Bor-
16 der Protection domestic port of entry staffing;

17 “(4) information on the anticipated costs over
18 the 5 fiscal years after such agreement enters into
19 force associated with carrying out such agreement;

20 “(5) details on information sharing mechanisms
21 to ensure that United States Customs and Border
22 Protection has current information to prevent ter-
23 rorist and criminal travel; and

24 “(6) other factors that the Commissioner deter-
25 mines necessary for Congress to comprehensively as-

1 sess the appropriateness of carrying out the pro-
2 gram.

3 “(d) AMENDMENT OF EXISTING AGREEMENTS.—Not
4 later than 30 days before a substantially amended pro-
5 gram agreement with the government of a host country
6 in effect as of the date of the enactment of this section
7 enters into force, the Commissioner of United States Cus-
8 toms and Border Protection shall provide to the Com-
9 mittee on Homeland Security of the House of Representa-
10 tives and the Committee on Homeland Security and Gov-
11 ernmental Affairs of the Senate—

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

14 “(2) the justification for such amendment.

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

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

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

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

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

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

5 (c) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002 is
7 amended by inserting after the item relating to section
8 418 the following new item:

“Sec. 419. Immigration advisory program.”.

Passed the House of Representatives June 25, 2018.

Attest:

KAREN L. HAAS,

Clerk.