

117TH CONGRESS
1ST SESSION

H. R. 4998

To direct the Secretary of Homeland Security and heads of related agencies to construct and staff passenger rail preclearance facilities in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 2021

Mr. HIGGINS of New York introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Homeland Security and heads of related agencies to construct and staff passenger rail preclearance facilities in the United States, 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 “Passenger Rail Pre-
5 clearance Implementation Act of 2021”.

1 **SEC. 2. REPORT TO CONGRESS.**

2 Not later than 6 months after the date of enactment
3 of this Act, the Secretary of Homeland Security, in con-
4 sultation with the Administrator of the Transportation Se-
5 curity Administration, the Secretary of Transportation,
6 heads of other appropriate Federal departments and agen-
7 cies, and Amtrak shall transmit a report to Congress that
8 contains—

9 (1) a description of the system for screening
10 passengers and baggage on passenger rail service be-
11 tween the United States and Canada;

12 (2) an update on the progress of the United
13 States and Canada in implementing preclearance, as
14 defined in the Agreement on Land, Rail, Marine,
15 and Air Transport Preclearance Between the Gov-
16 ernment of the United States of America and the
17 Government of Canada signed at Washington, DC,
18 on March 16, 2015 (hereinafter referred to as the
19 “2015 LRMA Treaty”), for passenger rail travel;

20 (3) a description of any legislative, regulatory,
21 budgetary, or policy barriers within the Federal Gov-
22 ernment to providing preclearance for travelers at
23 rail stations and other transportation facilities with-
24 in the United States;

25 (4) a description of the physical, logistical, and
26 budgetary barriers within the United States to con-

1 structing preclearance facilities and preclearance
2 areas at transportation facilities as defined in the
3 2015 LRMA Treaty; and

4 (5) a draft text of any changes in Federal law
5 or regulation, including budgetary sums necessary,
6 necessary to provide for end-to-end preclearance for
7 passenger rail travel between the United States and
8 Canada.

9 **SEC. 3. ESTABLISHMENT OF RAIL PRECLEARANCE NEGOTIATIONS.**
10

11 (a) **PRECLEARANCE OFFICERS.**—Pursuant to section
12 629(a) of the Tariff Act of 1930 (19 U.S.C. 1629(a)), the
13 Secretary of Homeland Security shall seek permission
14 from the Government of Canada to station preclearance
15 officers at transportation facilities at the point of origina-
16 tion of transportation between Canada and the United
17 States for the purpose of passenger rail preclearance in-
18 spections.

19 (b) **FOREIGN CUSTOMS OFFICERS.**—Pursuant to sec-
20 tion 629(e) of the Tariff Act of 1930 (19 U.S.C. 1629(e)),
21 the Secretary of State, Secretary of Homeland Security,
22 and Secretary of Agriculture, shall invite foreign customs
23 officers from Canada to the United States for the pur-
24 poses of passenger rail preclearance to rail stations and

1 transportation facilities in the United States that are iden-
2 tified in section 4(a).

3 **SEC. 4. ESTABLISHMENT OF PRECLEARANCE FACILITIES.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity, the Secretary of Transportation, Amtrak, and the
6 heads of other relevant agencies shall, in consultation with
7 the Government of Canada, identify all rail stations and
8 transportation facilities in the United States and Canada
9 necessary to carry out passenger rail preclearance oper-
10 ations.

11 (b) COST-SHARING AGREEMENTS.—The Secretary of
12 Transportation and the Secretary of Homeland Security
13 may enter into cost-sharing agreements with other Federal
14 departments and agencies, State and local authorities, and
15 the Government of Canada to make necessary infrastruc-
16 ture upgrades and staffing requirements at rail stations
17 and transportation facilities in the United States and Can-
18 ada identified in subsection (a) to carry out passenger rail
19 preclearance operations.

20 (c) FUNDING.—

21 (1) IN GENERAL.—The Secretary of Transpor-
22 tation may expend \$10,000,000 of the amounts
23 made available to carry out section 22907 of title
24 49, United States Code, for the establishment and

1 implementation of agreements to facilitate rail
2 preclearance pursuant to this Act.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 Section 22906 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(6) For fiscal years 2022 through 2026,
7 \$650,000,000.”.

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