

No. 13623

**UNITED STATES OF AMERICA
and
BAHAMAS**

**Agreement on preclearance for entry into the United States
of America (with annex). Signed at Nassau on 23 April
1974**

Authentic text: English.

Registered by the United States of America on 4 November 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
BAHAMAS**

**Accord relatif au contrôle préalable en vue de l'admission
aux États-Unis d'Amérique (avec annexe). Signé à
Nassau le 23 avril 1974**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 4 novembre 1974.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE

The Government of the United States of America and the Government of The Commonwealth of The Bahamas;

Considering that preclearance, the procedure of conducting in The Bahamas inspection by United States inspection agencies required for entry into the United States of passengers destined nonstop to the United States in flight of aircraft, facilitates travel between the two countries; and

Considering that the laws of the two countries in respect to merchandise or articles the entry of which is prohibited are sufficiently similar to enable U.S. organizations to carry out their missions, subject to provision of facilities adequate to enable them to use their manpower efficiently and to insure proper security safeguards for passengers, aircraft crew, baggage and aircraft stores entering the United States;

Agree as follows:

Article I. Flights eligible for preclearance shall include any flight by an authorized scheduled or charter air carrier destined nonstop to the United States including ferry flights, but not including air-taxi-type operations. Private and state aircraft are not included.

Article II. Preclearance shall be conducted at Nassau and, upon mutual agreement of the Parties expressed in writing, may be established at additional locations in The Bahamas.

Article III. The Government of The Commonwealth of The Bahamas shall:

- (a) Permit United States inspectors to carry out preclearance of passengers, crew, baggage, aircraft and aircraft stores on eligible flights and to determine procedures for carrying out inspections and utilization of its manpower.
- (b) Provide the facilities as set forth in the annex to this Agreement.
- (c) Permit the installation and operation of the Treasury Enforcement Communications Systems (TECS) and other modern inspection aids.
- (d) Take steps to enable it to furnish appropriate law enforcement assistance to the United States inspectors, including, upon request by a United States inspector, search by a Bahamian law enforcement officer in the presence of a United States inspection officer of any person subject to preclearance in accordance with this Agreement, based on suspicion that such person is seeking to carry into the United States:
 - (i) merchandise or other articles which have been falsely declared or not declared;
 - (ii) merchandise or other articles the entry of which into the United States is prohibited or restricted; or

¹ Came into force on 23 April 1974 by signature, in accordance with article IX.

- (iii) documents relevant to his immigration status which are fraudulent or misused.
- (e) If it appears that there is at the airport an accomplice who is assisting a person subject to preclearance to commit one of the acts referred to in paragraph (d) then such accomplice shall also be subject to search.
- (f) Upon the request of a United States inspection agency:
 - (i) seize and confiscate articles or merchandise if such articles or merchandise are falsely declared or not declared at the time of preclearance and if the possession or exportation of such articles or merchandise is prohibited under the laws of The Bahamas; or
 - (ii) if possession or exportation of such articles or merchandise falsely declared or not declared is not prohibited under the laws of The Bahamas, submit to prosecution within its Constitutional authority the alleged offender for knowingly making a false declaration.

Article IV. The Government of the United States of America shall:

- (a) Provide sufficient inspectors to carry out preclearance of passengers, crew, baggage, aircraft and aircraft stores on eligible flights with reasonable speed and efficiency and with care to avoid undue inconvenience to travellers from The Bahamas to the United States.
- (b) Conduct preclearance under this procedure unless the Federal inspection agencies, after consultation with the Bahamian authorities and the air carriers concerned, determine that adequate manpower is not available or that additional passengers will overtax the facilities. If, after such consultation, it is necessary for the United States inspectors to require post-clearance on arrival in the United States instead of, or in addition to, preclearance in The Bahamas, they will select flights for such post-clearance on a reasonable and fair basis, taking into account convenience to passengers and just treatment of the air carriers concerned.

Article V. United States citizen employees of the Government of the United States assigned to duties in The Bahamas in connection with this Agreement and accompanying members of their family shall be accorded the same privileges and immunities as administrative and technical personnel of the United States diplomatic mission and accompanying members of their family and the records and files of the preclearance detail shall enjoy the same inviolability as the records and files of the United States diplomatic mission.

Article VI. The United States may extend the application of any of its customs, immigration, agriculture and public health laws and regulations to aircraft, passengers, aircraft crew, baggage, cargo and aircraft stores in The Bahamas which are subject to preclearance, for the purpose of establishing and enforcing penalties for violations of these laws and regulations upon arrival in the United States.

Article VII. The Parties agree that any air carrier should have the option to use either preclearance or post-clearance subject to the following conditions:

- (a) An air carrier may apply for preclearance for any or all of its eligible flights. The inspection agencies may require a reasonable delay before compliance in

order to obtain or reduce personnel or facilities required by the anticipated changes in service. Participation in preclearance may be refused until the carrier files tariffs permitting it to deny carriage to anyone failing to submit to a preclearance inspection and search and to anyone who, having submitted to such inspection and search, is found ineligible to fly on a precleared flight.

- (b) An air carrier desiring to withdraw from preclearance must give twelve months notice to both Parties, but if neither Party objects, it may withdraw sooner.

Article VIII. Either Government may at any time request consultations concerning the interpretation, application or amendment of this Agreement, including the facilities annex and attachments. Such consultations shall begin within 60 days from the date the other Government receives the request.

Article IX. This Agreement shall enter into force upon signature. It shall remain in force for five years and shall continue in force thereafter until terminated as provided herein.

Either Party may, by giving two years' written notice, terminate this Agreement at the end of the initial five-year period or at any time thereafter.

DONE in duplicate at Nassau, Bahamas, this 23rd day of April, 1974.

For the Government of the United States of America:

[Signed]

RONALD I. SPIERS
United States Ambassador

For the Government of the Commonwealth of The Bahamas:

[Signed]

Paul L. ADDERLEY
Minister of External Affairs

FACILITIES ANNEX

The Government of the United States of America and the Government of The Commonwealth of The Bahamas agree that the Government of The Bahamas shall provide within 120 days from the effective date of this Agreement Customs inspectional facilities and inspectional configurations as agreed upon in The Bahamas Ministry of Works drawing of Nassau International Airport B11B7 and B11B9 of November 1973. The configuration, examination conveyor, and inspection work stations shall be substantially in agreement with U.S. Customs drawing FM-74-CTR-5 1 through 3 "General Arrangement of Inspectors, Counters and Conveyor Details".

In addition, within 120 days from the effective date of this Agreement the Government of The Commonwealth of The Bahamas will:

- (a) Provide for such passenger comforts as a central climatic control device that includes air conditioning.
- (b) Provide suitable seating accommodations in the sterile hold room that will be conducive to passenger comforts.

- (c) Provide for adequate janitorial services in the preclearance area, as well as perform any necessary repairs or maintenance.
 - (d) Construct two search rooms that provide approximately 80 square feet per room.
 - (e) Construct a cashier's booth of sufficient size to accommodate two teller/cashiers, if requested.
 - (f) Provide hooded baggage conveyor systems that will insure adequate security as directed by the United States Secretary of the Treasury for the transport of the precleared baggage to a segregated baggage make-up area.
 - (g) Provide baggage make-up areas that will be secured with nine gauge chain link fence, 8 feet high, topped with 3 strands of barbed wire. The gates used to secure these enclosures shall be equipped with adequate locking mechanisms.
 - (h) Provide office space to adequately house the Customs Officer-in-Charge, a Supervisor of Customs, a Supervisor of Immigration, and an Agricultural Officer, as well as interview rooms and clerical support staff, and toilet facilities for male and female inspection personnel.
 - (i) Provide toilet facilities in the sterile hold room area which shall be constructed in such a manner as to preclude contact with non-precleared passengers and the general public.
 - (j) Provide that precleared air passengers are not allowed to commingle with other arriving or departing passengers except those air passengers arriving from the United States.
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