

**Suspend the Rules and Pass the Bill, H. R. 4403, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
complete new text)**

114TH CONGRESS
2^D SESSION

H. R. 4403

To authorize the development of open-source software based on certain systems of the Department of Homeland Security and the Department of State to facilitate the vetting of travelers against terrorist watchlists and law enforcement databases, enhance border management, and improve targeting and analysis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2016

Mr. HURD of Texas (for himself, Mr. McCAUL, Mr. KATKO, Mr. LOUDERMILK, Ms. McSALLY, Mr. RATCLIFFE, Ms. LORETTA SANCHEZ of California, Mr. VELA, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Homeland Security, 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 authorize the development of open-source software based on certain systems of the Department of Homeland Security and the Department of State to facilitate the vetting of travelers against terrorist watchlists and law enforcement databases, enhance border management, and improve targeting and analysis, 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 “Enhancing Overseas
5 Traveler Vetting Act”.

6 **SEC. 2. OPEN-SOURCE SCREENING SOFTWARE.**

7 (a) IN GENERAL.—Subject to subsection (c), the Sec-
8 retary of Homeland Security and the Secretary of State—

9 (1) are authorized to develop open-source soft-
10 ware based on U.S. Customs and Border Protec-
11 tion’s global travel targeting and analysis systems
12 and the Department of State’s watchlisting, identi-
13 fication, and screening systems in order to facilitate
14 the vetting of travelers against terrorist watchlists
15 and law enforcement databases, enhance border
16 management, and improve targeting and analysis;
17 and

18 (2) may make such software and any related
19 technical assistance or training available to foreign
20 governments or multilateral organizations for such
21 purposes.

22 (b) REPORT TO CONGRESS.—Not later than 60 days
23 after the date of the enactment of this Act, the Secretary
24 of Homeland Security and Secretary of State shall submit

1 to the appropriate congressional committees a plan to im-
2 plement subsection (a).

3 (c) PROVISION OF SOFTWARE AND CONGRESSIONAL
4 NOTIFICATION.—Not later than 15 days before the open-
5 source software described in subsection (a) is made avail-
6 able to foreign governments or multilateral organizations
7 pursuant to such subsection, the Secretary of Homeland
8 Security and Secretary of State, with the concurrence of
9 the Director of National Intelligence, shall—

10 (1) certify to the appropriate congressional
11 committees that such availability is in the national
12 security interests of the United States; and

13 (2) provide to such committees information on
14 how such software or any related technical assist-
15 ance or training will be made available.

16 (d) RULE OF CONSTRUCTION.—The authority pro-
17 vided under this section shall be exercised in accordance
18 with applicable provisions of the Arms Export Control Act
19 (22 U.S.C. 2751 et seq.), the Export Administration Reg-
20 ulations, or any other similar provision of law.

21 (e) PROHIBITION ON ADDITIONAL FUNDING.—No
22 additional funds are authorized to be appropriated to
23 carry out this section.

24 (f) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) in the House of Representatives—

5 (i) the Committee on Homeland Secu-
6 rity; and

7 (ii) the Committee on Foreign Affairs;
8 and

9 (B) in the Senate—

10 (i) the Committee on Homeland Secu-
11 rity and Governmental Affairs; and

12 (ii) the Committee on Foreign Rela-
13 tions.

14 (2) EXPORT ADMINISTRATION REGULATIONS.—

15 The term “Export Administration Regulations”
16 means—

17 (A) the Export Administration Regulations
18 as maintained and amended under the authority
19 of the International Emergency Economic Pow-
20 ers Act (50 U.S.C. 1701 et seq.) and codified
21 in subchapter C of chapter VII of title 15, Code
22 of Federal Regulations; or

23 (B) any successor regulations.