

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1196
OFFERED BY MR. ZELDIN OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Counterterrorism
3 Screening and Assistance Act of 2017”.

4 SEC. 2. FOREIGN PARTNER ENGAGEMENT PLAN.

5 (a) FINDINGS.—Consistent with the final report of
6 the Committee on Homeland Security of the House of
7 Representatives bipartisan “Task Force on Combating
8 Terrorist and Foreign Fighter Travel”, Congress makes
9 the following findings:

10 (1) It is important for the national security of
11 the United States to assist foreign partners in clos-
12 ing security gaps which may allow terrorists and for-
13 eign fighters to travel internationally, avoiding de-
14 tection.

15 (2) Building foreign partner capacity to combat
16 terrorist travel helps extend the United States secu-
17 rity beyond its border to mitigate threats before they
18 reach the United States.

1 (3) United States Government departments and
2 agencies have spent billions of dollars to help foreign
3 partners improve their security against terrorist
4 travel since the attacks of September 11, 2001, in-
5 cluding through the provision of technical assistance,
6 equipment, training, and other tools.

7 (4) The lack of a United States Government-
8 wide, risk-based approach increases the odds that
9 systematic security gaps abroad may persist and
10 that United States response efforts will not be maxi-
11 mized in order to close these gaps.

12 (5) Failure to effectively coordinate capacity-
13 building activities also results in greater risk of over-
14 lap, waste, and unnecessary duplication between the
15 United States and international programs.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the United States Government must ensure ca-
18 pacity-building assistance to deter travel by terrorists and
19 foreign fighters is coordinated both among United States
20 Government departments and agencies as well as with for-
21 eign implementing partners.

22 (c) PLAN.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act and every
25 two years thereafter at the time of the President's

1 budget submission to Congress under section 1105
2 of title 31, United States Code, until 2023, the Sec-
3 retary of State shall, in accordance with the protec-
4 tion of intelligence sources and methods, develop and
5 submit to the appropriate congressional committees
6 unclassified and classified versions of a foreign part-
7 ner engagement plan which catalogues existing ca-
8 pacity-building initiatives abroad to combat travel by
9 terrorists and foreign fighters and identifies areas
10 for adjustment to align ongoing efforts with risk-
11 based priorities.

12 (2) COORDINATION.—The plan required under
13 paragraph (1) shall be developed in coordination
14 with all relevant United States Government depart-
15 ments and agencies and in consultation with the
16 Secretary of Homeland Security, the Secretary of
17 the Treasury, the Secretary of Defense, the Attorney
18 General, the Director of National Intelligence, and
19 the Director of the Federal Bureau of Investigation.

20 (3) CONTENTS.—The plan required under para-
21 graph (1) shall—

22 (A) include an assessment of the countries
23 of greatest concern and risk for travel to the
24 United States by members of foreign terrorist
25 organizations and foreign fighters, which may

1 be based on the minimum standards described
2 in section 4(b), as well as other factors, as ap-
3 propriate, including—

4 (i) an identification of the number of
5 flights that originate from last points of
6 departure in each country to the United
7 States;

8 (ii) visa waiver program status or visa
9 application and denial rates for each coun-
10 try;

11 (iii) recent threats, terrorist and for-
12 eign fighter travel trends, and the overall
13 terror threat environment in each country;
14 and

15 (iv) other criteria as determined by
16 the Secretary of State and the Secretary of
17 Homeland Security;

18 (B) detail existing United States Govern-
19 ment programs, projects, and activities which
20 are intended to or have the substantial effect of
21 building the capacity of such countries to com-
22 bat travel by terrorists and foreign fighters, in-
23 cluding estimated spending levels by country
24 where practicable; and

1 (C) outline a plan for prioritizing United
2 States Government resources toward countries
3 referred to in subparagraph (A), including—

4 (i) identifying efforts which should be
5 reformed, consolidated, or eliminated; and

6 (ii) detailing new programs, projects,
7 or activities that are requested, being
8 planned, or are undergoing implementation
9 and associated costs.

10 **SEC. 3. SHARING SYSTEMS AND EQUIPMENT TO OBSTRUCT**
11 **TRAVEL BY TERRORISTS AND FOREIGN**
12 **FIGHTERS.**

13 (a) **BORDER SECURITY AND COUNTERTERRORISM**
14 **SCREENING TOOLS.—**

15 (1) **IN GENERAL.—**Subject to paragraph (2)
16 and subsection (d), the Secretary of Homeland Secu-
17 rity and the Secretary of State shall, to the extent
18 practicable and consistent with the national security
19 of the United States, accelerate the provision of ap-
20 propriate versions of the following systems to foreign
21 governments:

22 (A) U.S. Customs and Border Protection’s
23 global travel targeting and analysis systems.

1 (B) The Department of State's
2 watchlisting, identification, and screening sys-
3 tems.

4 (2) PRIORITIZATION.—The Secretary of Home-
5 land Security and the Secretary of State shall co-
6 ordinate to prioritize the provision of the systems
7 specified in paragraph (1) to countries determined to
8 be countries referred to in subsection (c)(3)(A) of
9 section 2 in the foreign partner engagement plan re-
10 quired under such section.

11 (b) EQUIPMENT TRANSFER.—

12 (1) IN GENERAL.—Subject to paragraphs (2),
13 (3), and (8), the Secretary of Homeland Security is
14 authorized to provide, with or without reimburse-
15 ment, excess nonlethal equipment and supplies
16 owned by the Department of Homeland Security to
17 a foreign government.

18 (2) DETERMINATION.—The Secretary of Home-
19 land Security is authorized to provide equipment and
20 supplies pursuant to paragraph (1) if the Secretary
21 determines that the provision of such equipment and
22 supplies would—

23 (A) further the homeland security interests
24 of the United States; and

1 (B) enhance the recipient government's ca-
2 pacity to—

3 (i) mitigate the risk or threat of ter-
4 rorism, infectious disease, or natural dis-
5 aster;

6 (ii) protect and expedite lawful trade
7 and travel; or

8 (iii) protect the legal framework relat-
9 ing to intellectual property rights and en-
10 force such rights.

11 (3) LIMITATION ON TRANSFER.—The Secretary
12 of Homeland Security may not—

13 (A) provide any equipment or supplies that
14 are designated as items on the United States
15 Munitions List pursuant to section 38 of the
16 Arms Export Control Act (22 U.S.C. 2778); or

17 (B) provide any vessel or aircraft pursuant
18 to this subsection.

19 (4) RELATED TRAINING.—In conjunction with a
20 provision of equipment or supplies pursuant to para-
21 graph (1), the Secretary of Homeland Security may
22 provide such equipment-related or supplies-related
23 training and assistance as the Secretary determines
24 to be necessary.

1 (5) MAINTENANCE OF TRANSFERRED EQUIP-
2 MENT.—The Secretary of Homeland Security may
3 provide for the maintenance of transferred equip-
4 ment or supplies through service contracts or other
5 means, with or without reimbursement, as the Sec-
6 retary determines appropriate.

7 (6) REIMBURSEMENT OF EXPENSES.—The Sec-
8 retary of Homeland Security is authorized to collect
9 payment from the recipient government for the pro-
10 vision of training, shipping costs, supporting mate-
11 rials, maintenance, supplies, or other assistance in
12 support of provided equipment or supplies under this
13 subsection.

14 (7) RECEIPTS CREDITED AS OFFSETTING COL-
15 LECTIONS.—Notwithstanding section 3302 of title
16 31, United States Code, any amount collected under
17 this subsection—

18 (A) shall be credited as offsetting collec-
19 tions, subject to appropriations, to the account
20 that finances the activities and services for
21 which the payment is received; and

22 (B) shall remain available until expended
23 for the purpose of providing for the security in-
24 terests of the homeland.

1 (8) CONCURRENCE.—The Secretary of Home-
2 land Security may exercise the authority under this
3 subsection only with the concurrence of the Sec-
4 retary of State.

5 (9) RULE OF CONSTRUCTION.—Nothing in this
6 subsection may be construed as affecting, aug-
7 menting, or diminishing the authority of the Sec-
8 retary of State.

9 (10) DEFINITION.—For the purposes of this
10 section, the term “excess nonlethal equipment and
11 supplies” means equipment and supplies the Sec-
12 retary of Homeland Security has determined is ei-
13 ther not required for United States domestic oper-
14 ations, or would be more effective to homeland secu-
15 rity if deployed for use outside of the United States.

16 (c) NOTIFICATION TO CONGRESS.—

17 (1) IN GENERAL.—Not later than 15 days be-
18 fore providing any systems or equipment or supplies
19 under this section, the Secretary of Homeland Secu-
20 rity and Secretary of State shall provide notification
21 to the appropriate congressional committees of such
22 provision.

23 (2) CONTENTS.—A notification required under
24 paragraph (1) shall include the following:

1 (A) The specific vulnerability, risk, or
2 threat that will be mitigated by the provision of
3 any systems or equipment or supplies under
4 this section.

5 (B) An explanation as to why the recipient
6 is unable or unwilling to independently acquire
7 such systems or equipment or supplies.

8 (C) An evacuation plan for any sensitive
9 technologies in case of emergency or instability
10 in the country to which such systems or equip-
11 ment or supplies is being provided.

12 (D) How the United States Government
13 will ensure that such systems or equipment or
14 supplies are being maintained appropriately and
15 used as intended.

16 (E) The total dollar value of such systems,
17 equipment, or supplies.

18 (d) RULE OF CONSTRUCTION.—

19 (1) IN GENERAL.—The authority provided
20 under this section shall be exercised in accordance
21 with applicable provisions of the Arms Export Con-
22 trol Act (22 U.S.C. 2751 et seq.), the Export Ad-
23 ministration Regulations, or any other similar provi-
24 sion of law.

1 (2) DEFINITION.—In this subsection, the term
2 “Export Administration Regulations” means—

3 (A) the Export Administration Regulations
4 as maintained and amended under the authority
5 of the International Emergency Economic Pow-
6 ers Act (50 U.S.C. 1701 et seq.) and codified
7 in subchapter C of chapter VII of title 15, Code
8 of Federal Regulations; or

9 (B) any successor regulations.

10 **SEC. 4. ACTIONS WITH RESPECT TO FOREIGN COUNTRIES**
11 **THAT FAIL TO MEET MINIMUM STANDARDS**
12 **FOR SERIOUS AND SUSTAINED EFFORTS TO**
13 **COMBAT TERRORIST AND FOREIGN FIGHTER**
14 **TRAVEL.**

15 (a) REPORTS TO CONGRESS.—

16 (1) IN GENERAL.—Not later than April 30 of
17 each year through 2022, the Secretary of State, in
18 coordination with the Secretary of Homeland Secu-
19 rity, shall submit to the appropriate congressional
20 committees a report with respect to the status of ef-
21 forts of foreign governments to combat terrorist and
22 foreign fighter travel, which shall include an update
23 to the foreign partner engagement plan required
24 under section 2(c). Such reports shall include de-
25 scriptions of relevant United States Government ac-

1 tions taken to help countries comply with minimum
2 standards for serious and sustained efforts to com-
3 bat terrorist and foreign fighter travel, such as those
4 efforts described in subsection (b).

5 (2) FORM.—The reports required by paragraph
6 (1) shall be submitted in unclassified and classified
7 form.

8 (3) INCLUSION IN COUNTRY REPORTS ON TER-
9 RORISM.—To the extent practicable, the Secretary of
10 State, in coordination with the Secretary of Home-
11 land Security, should incorporate the reports re-
12 quired by paragraph (1) into the annual country re-
13 ports on terrorism submitted pursuant to section
14 140 of the Foreign Relations Authorization Act, Fis-
15 cal Years 1988 and 1989 (22 U.S.C. 2656f).

16 (b) MINIMUM STANDARDS DESCRIBED.—The min-
17 imum standards for serious and sustained efforts to com-
18 bat terrorist and foreign fighter travel applicable to the
19 government of a foreign country include the following:

20 (1) The government of the foreign country
21 makes meaningful efforts to identify and monitor
22 terrorists and foreign fighters operating within the
23 territory of the country.

24 (2) The government of the foreign country reg-
25 ularly exchanges substantive counterterrorism infor-

1 mation with other foreign governments, including
2 the United States Government, through bilateral or
3 multilateral channels and international organizations
4 such as INTERPOL, and cooperates with other for-
5 eign governments in the investigation and prosecu-
6 tion of terrorists and foreign fighters.

7 (3) The government of the foreign country im-
8 plements effective border controls or participates in
9 an existing border-crossing control regime that has
10 been determined by the United States Government
11 to employ effective border-crossing oversight.

12 (4) The government of the foreign country has
13 controls and systems in place to prevent and report
14 upon counterfeiting, forgery, and fraudulent use or
15 possession of false, stolen, or lost identity papers
16 and travel documents.

17 (5) The government of the foreign country col-
18 lects air passenger data and employs evidence-based
19 traveler risk assessment and screening procedures,
20 including collection and analysis of travel data.

21 (6) The government of the foreign country ap-
22 propriately screens travelers, including vetting of
23 travelers at air, sea, and land ports of entry, against
24 counterterrorism and other criminal databases, as
25 appropriate.

1 (7) The government of the foreign country sub-
2 mits information to INTERPOL databases and
3 screens travelers against INTERPOL databases at
4 ports of entry and exit.

5 (8) The government of the foreign country has
6 established and implemented domestic laws criminal-
7 izing material support to foreign terrorist organiza-
8 tions and has the ability and willingness to prosecute
9 cases involving such material support to foreign ter-
10 rorist organizations.

11 (9) The government of the foreign country
12 takes measures to prevent individuals in its territory
13 from traveling abroad to enlist with or provide mate-
14 rial support to foreign terrorist organizations.

15 (10) The government of the foreign country—

16 (A) takes measures to minimize—

17 (i) corruption and the likelihood that
18 corruption could impact the veracity of se-
19 curity and intelligence reporting from the
20 country; and

21 (ii) the likelihood that such corruption
22 could adversely affect the legitimacy of na-
23 tional identity papers of the country; and

24 (B) does not shelter suspects from inves-
25 tigation and prosecution.

1 (11) The government of the foreign country is
2 not determined to be a high-risk program country
3 under section 217(c)(12) of the Immigration and
4 Nationality Act (8. U.S.C. 1187(c)(12)).

5 (c) SUSPENSION OF ASSISTANCE.—

6 (1) IN GENERAL.—The Secretary of State, in
7 consultation with the Secretary of Homeland Secu-
8 rity and the heads of other Federal agencies, as ap-
9 propriate, is authorized to suspend nonhumani-
10 tarian, nontrade-related foreign assistance to a gov-
11 ernment of a foreign country if such government is
12 not making significant efforts to comply with the
13 minimum standards for serious and sustained efforts
14 to combat terrorist and foreign fighter travel de-
15 scribed in subsection (b).

16 (2) CONGRESSIONAL NOTIFICATION PROCE-
17 DURES.—Any suspension of assistance under para-
18 graph (1) shall be subject to the prior notification
19 procedures applicable to reprogrammings pursuant
20 to section 634A of the Foreign Assistance Act of
21 1961 (22 U.S.C. 2394-1).

22 **SEC. 5. DEFINITIONS.**

23 In this Act:

24 (1) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

1 mittees” means the Committee on Homeland Secu-
2 rity and Governmental Affairs, the Committee on
3 Foreign Relations, the Committee on the Judiciary,
4 and the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Homeland Security, the Committee on the Judiciary,
7 and the Committee on Foreign Affairs of the House
8 of Representatives.

9 (2) FOREIGN TERRORIST ORGANIZATION.—The
10 term “foreign terrorist organization” means an or-
11 ganization that is designated as a foreign terrorist
12 organization pursuant to section 219 of the Immi-
13 gration and Nationality Act (8 U.S.C. 1189).

14 (3) NONHUMANITARIAN, NONTRADE-RELATED
15 FOREIGN ASSISTANCE.—The term “nonhumani-
16 tarian, nontrade-related foreign assistance” has the
17 meaning given the term in section 103(8)(B) of the
18 Trafficking Victims Protection Act of 2000 (22
19 U.S.C. 7102(8)(B)).

20 **SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.**

21 No additional funds are authorized to carry out the
22 requirements of this Act. Such requirements shall be car-
23 ried out using amounts otherwise authorized.

