

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 630  
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 2019”.

**4 SEC. 2. FOREIGN PARTNER ENGAGEMENT PLAN.**

5 (a) FINDINGS.—Consistent with the final report of  
6 the Commission on Homeland Security of the House of  
7 Representatives bipartisan “Task Force on Combating  
8 Terrorist and Foreign Fighter Travel”, published in the  
9 114th Congress, Congress makes the following findings:

10 (1) It is important for the national security of  
11 the United States to assist foreign partners in de-  
12 tecting foreign terrorist fighters traveling inter-  
13 nationally.

14 (2) It remains important for the national secu-  
15 rity of the United States to extend security beyond  
16 its borders by enhancing the capacity of foreign  
17 partners to combat foreign terrorist fighter travel to  
18 mitigate threats before they reach the United States.

1           (3) It remains important for the national secu-  
2           rity of the United States that Federal departments  
3           and agencies make funds available to help foreign  
4           partners improve their security against foreign ter-  
5           rorist fighter travel, especially since the attacks of  
6           September 11, 2001, including through the provision  
7           of technical assistance, equipment, training, and  
8           other tools.

9           (4) It remains important for the United States  
10          to use a risk-based approach when prioritizing for-  
11          eign partners' capacity building activities and re-  
12          source allocation.

13          (5) United States Government coordination of  
14          capacity-building assistance remains important to  
15          avoid overlap, waste, and unnecessary duplication  
16          between United States and international programs.

17          (b) SENSE OF CONGRESS.—It is the sense of Con-  
18          gress that the United States Government should coordi-  
19          nate both among Federal departments and agencies as  
20          well as with foreign partners capacity-building assistance  
21          to deter, detect, and disrupt foreign terrorist fighter trav-  
22          el.

23          (c) PLAN.—

24                (1) IN GENERAL.—Not later than 180 days  
25          after the date of the enactment of this Act and every

1 two years thereafter until 2029 at the time of the  
2 President's budget submission to Congress under  
3 section 1105 of title 31, United States Code, the  
4 Secretary of State, in consultation with the Sec-  
5 retary of Homeland Security, the Secretary of the  
6 Treasury, the Secretary of Defense, the Attorney  
7 General, the Director of National Intelligence, the  
8 Director of the Federal Bureau of Investigation, and  
9 the heads of other relevant Federal departments and  
10 agencies, shall, in accordance with the protection of  
11 intelligence sources and methods, develop and sub-  
12 mit to the appropriate congressional committees un-  
13 classified and classified versions of a foreign partner  
14 engagement plan that—

15 (A) catalogues existing United States Gov-  
16 ernment programs, projects, and activities in-  
17 tended to build the capacity of foreign countries  
18 to combat travel by foreign terrorist fighters,  
19 including estimated spending levels where prac-  
20 ticable;

21 (B) identifies areas for adjustment to align  
22 ongoing efforts to combat travel by foreign ter-  
23 rorist fighters with risk-based priorities;

24 (C) includes a list of countries identified as  
25 high risk to the security of the United States

1 due to potential travel by foreign terrorist fight-  
2 ers based on a threat assessment that takes  
3 into account—

4 (i) whether a country is included on  
5 the list of high-risk program countries pur-  
6 suant to section 217(c)(12) of the Immi-  
7 gration and Nationality Act (8. U.S.C.  
8 1187(c)(12));

9 (ii) the number of direct flights from  
10 a country to the United States;

11 (iii) the presence of foreign terrorist  
12 fighters or networks to recruit such fight-  
13 ers, terrorist groups, or infrastructure  
14 within a country's territory; and

15 (iv) travel by individuals from a coun-  
16 try's territory to enlist in, train with, or  
17 fight alongside terrorist groups or partici-  
18 pate in a conflict where terrorist and ex-  
19 tremist groups are known to operate;

20 (D) prioritizes United States Government  
21 resources toward countries identified as high  
22 risk based on the threat assessment described  
23 in paragraph (C) and whether such countries  
24 meet minimum standards to—

1 (i) identify and monitor known foreign  
2 terrorist fighters within its territory; and

3 (ii) prevent individuals from traveling  
4 from its territory to enlist in, train with, or  
5 fight alongside terrorist groups or partici-  
6 pate in a conflict where terrorist and ex-  
7 tremist groups are known to operate; and

8 (E) describes how United States capacity  
9 building efforts in countries identified as high  
10 risk based on the threat assessment described  
11 in paragraph (C) and do not meet the minimum  
12 standards described in subparagraph (D)  
13 should be reformed, consolidated, or eliminated,  
14 and details any new programs, projects, or ac-  
15 tivities to combat travel by foreign terrorist  
16 fighters that are requested by such countries or  
17 planned or ongoing in such countries.

18 (2) ADDITIONAL CRITERIA.—When prioritizing  
19 United States capacity building efforts referred to in  
20 paragraph (1)(E) in countries described in such  
21 paragraph, the Secretary of State may consider  
22 whether the governments of countries—

23 (A) exchange counterterrorism information  
24 with the United States, including through bilat-

1           eral or multilateral channels and international  
2           organizations such as INTERPOL;

3           (B) cooperate with other foreign govern-  
4           ments in the investigation and prosecution or  
5           rehabilitation of foreign terrorist fighters;

6           (C) collect air passenger data and employs  
7           evidence-based traveler risk assessment and  
8           screening procedures, including collection and  
9           analysis of travel data;

10          (D) screen travelers, including vetting of  
11          travelers at air, sea, and land ports of entry,  
12          against INTERPOL, counterterrorism and  
13          other criminal databases, as appropriate; and

14          (E) submit information to INTERPOL  
15          databases, as appropriate.

16 **SEC. 3. SHARING SYSTEMS AND EQUIPMENT TO COMBAT**  
17 **TRAVEL BY FOREIGN TERRORIST FIGHTERS.**

18          (a) **BORDER SECURITY AND COUNTERTERRORISM**  
19 **SCREENING TOOLS.—**

20           (1) **IN GENERAL.**—Subject to paragraph (2)  
21           and subsection (d), the Secretary of State and Sec-  
22           retary of Homeland Security, shall, to the extent  
23           practicable and consistent with the national security  
24           of the United States, accelerate the provision of ap-

1       appropriate versions of the following systems to foreign  
2       governments:

3               (A)     The     Department     of     State's  
4               watchlisting, identification, and screening sys-  
5               tems.

6               (B)     The     Department     of     Homeland     Secu-  
7               rity's Automated Targeting System or successor  
8               system.

9               (2)     PRIORITIZATION.—The Secretary of State  
10              and the Secretary of Homeland Security shall co-  
11              ordinate to prioritize the provision of the systems  
12              specified in paragraph (1) based on the foreign part-  
13              ner engagement plan under section 2.

14             (b)     EQUIPMENT TRANSFER.—

15               (1)     IN GENERAL.—Subject to paragraphs (2),  
16               (3), and (8), the Secretary of Homeland Security is  
17               authorized to provide a foreign government, with or  
18               without reimbursement, excess nonlethal equipment  
19               and supplies owned by the Department of Homeland  
20               Security.

21               (2)     DETERMINATION.—The Secretary of Home-  
22               land Security is authorized to provide excess non-  
23               lethal equipment and supplies pursuant to para-  
24               graph (1) if the Secretary determines that the provi-  
25               sion of such equipment and supplies would—

1 (A) further the national security interests  
2 of the United States; and

3 (B) enhance the recipient government's ca-  
4 pacity to combat travel by foreign terrorist  
5 fighters.

6 (3) LIMITATION ON TRANSFER.—The Secretary  
7 of Homeland Security may not—

8 (A) provide any equipment or supplies that  
9 are designated as items on the United States  
10 Munitions List pursuant to section 39 of the  
11 Arms Export Control Act (22 U.S.C. 2778); or

12 (B) provide any vessel or aircraft pursuant  
13 to this subsection.

14 (4) RELATED TRAINING.—In conjunction with a  
15 provision of excess nonlethal equipment or supplies  
16 pursuant to paragraph (1), the Secretary of Home-  
17 land Security shall provide such equipment-related  
18 training or supplies-related training and assistance  
19 as the Secretary determines to be necessary.

20 (5) MAINTENANCE OF TRANSFERRED EQUIP-  
21 MENT.—The Secretary of Homeland Security may  
22 provide through service contracts or other means,  
23 with or without reimbursement, as the Secretary de-  
24 termines appropriate, for the maintenance of equip-  
25 ment or supplies provided under this subsection.



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

8           (7) RECEIPTS CREDITED AS OFFSETTING COL-  
9           LECTIONS.—Notwithstanding section 3302 of title  
10          31, United States Code, any amount collected under  
11          this subsection—

12                 (A) shall be credited as offsetting collec-  
13                 tions, subject to appropriations, to the account  
14                 that finances the activities and services for  
15                 which the payment is received; and

16                 (B) shall remain available until expended  
17                 for the purpose of providing for the security in-  
18                 terests of the United States.

19          (8) CONCURRENCE.—The Secretary of Home-  
20          land Security may exercise the authority under this  
21          subsection only with the concurrence of the Sec-  
22          retary of State.

23          (9) RULE OF CONSTRUCTION.—Nothing in this  
24          subsection may be construed as affecting, aug-

1       menting, or diminishing the authority of the Sec-  
2       retary of State.

3       (c) NOTIFICATION TO CONGRESS.—

4           (1) IN GENERAL.—Not later than 15 days be-  
5       fore providing any excess nonlethal equipment or  
6       supplies under this section, the Secretary of Home-  
7       land Security and Secretary of State, as appropriate,  
8       shall provide notification to the appropriate congres-  
9       sional committees of such provision.

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

12           (A) The specific vulnerability, risk, or  
13       threat that will be mitigated by the provision of  
14       such equipment or supplies.

15           (B) An explanation as to why the recipient  
16       is unable to independently acquire such equip-  
17       ment or supplies.

18           (C) An evacuation plan for any sensitive  
19       technologies in case of emergency or instability  
20       in the country to which such equipment or sup-  
21       plies is being provided.

22           (D) How the United States Government  
23       will ensure that such equipment or supplies are  
24       being maintained appropriately and used as in-  
25       tended.

1 (E) The total dollar value of such equip-  
2 ment or supplies.

3 (d) APPLICATION OF OTHER LAWS.—

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

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

12 (A) the Export Administration Regulations  
13 as described in subchapter C of chapter VII of  
14 title 15, Code of Federal Regulations; or

15 (B) any successor regulations.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
19 TEES.—The term “appropriate congressional com-  
20 mittees” means the Committee on Foreign Rela-  
21 tions, the Committee on Homeland Security and  
22 Government Affairs, the Committee on the Judici-  
23 ary, and the Committee on Commerce, Science, and  
24 Transportation of the Senate and the Committee on  
25 Foreign Affairs, the Committee on Homeland Secu-

1 rity, and the Committee on the Judiciary of the  
2 House of Representatives.

3 (2) FOREIGN TERRORIST FIGHTER.—The term  
4 “foreign terrorist fighter” means any individual who  
5 traveled to a conflict zone, including, Iraq, Syria,  
6 Libya, and Afghanistan, for the purposes of fighting  
7 alongside or otherwise supporting a foreign terrorist  
8 organization.

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

14 (4) EXCESS NONLETHAL EQUIPMENT AND SUP-  
15 PLIES.—The term “excess nonlethal equipment and  
16 supplies” mean equipment and supplies the Sec-  
17 retary of Homeland Security has determined is ei-  
18 ther not required for United States domestic oper-  
19 ations, or would be more effective to homeland secu-  
20 rity if deployed for use outside of the United States.

