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1ST SESSION

H. R. 630

To require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of certain foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2019

Mr. ZELDIN (for himself, Mr. McCAUL, and Mr. ROSE of New York) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Homeland Security, and the Judiciary, 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 require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of certain foreign assistance to countries not making significant efforts to comply with such minimum standards, 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,*

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 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.

19 (3) United States Government departments and
20 agencies have spent billions of dollars to help foreign
21 partners improve their security against terrorist
22 travel since the attacks of September 11, 2001, in-
23 cluding through the provision of technical assistance,
24 equipment, training, and other tools.

25 (4) The lack of a United States Government-
26 wide, risk-based approach increases the odds that

1 systematic security gaps abroad may persist and
2 that United States response efforts will not be maxi-
3 mized in order to close these gaps.

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

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the United States Government must ensure ca-
10 pacity-building assistance to deter travel by terrorists and
11 foreign fighters is coordinated both among United States
12 Government departments and agencies as well as with for-
13 eign implementing partners.

14 (c) PLAN.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act and every
17 two years thereafter at the time of the President’s
18 budget submission to Congress under section 1105
19 of title 31, United States Code, until 2025, the Sec-
20 retary of State shall, in accordance with the protec-
21 tion of intelligence sources and methods, develop and
22 submit to the appropriate congressional committees
23 unclassified and classified versions of a foreign part-
24 ner engagement plan which catalogues existing ca-
25 pacity-building initiatives abroad to combat travel by

1 terrorists and foreign fighters and identifies areas
2 for adjustment to align ongoing efforts with risk-
3 based priorities.

4 (2) COORDINATION.—Each plan required under
5 paragraph (1) shall be developed in coordination
6 with all relevant United States Government depart-
7 ments and agencies and in consultation with the
8 Secretary of Homeland Security, the Secretary of
9 the Treasury, the Secretary of Defense, the Attorney
10 General, the Director of National Intelligence, and
11 the Director of the Federal Bureau of Investigation.

12 (3) CONTENTS.—Each plan required under
13 paragraph (1) shall—

14 (A) include an assessment of the countries
15 of greatest concern and risk for travel to the
16 United States by members of foreign terrorist
17 organizations and foreign fighters, which may
18 be based on the minimum standards described
19 in section 4(b), as well as other factors, as ap-
20 propriate, including—

21 (i) an identification of the number of
22 flights that originate from last points of
23 departure in each country to the United
24 States;

1 (ii) visa waiver program status or visa
2 application and denial rates for each coun-
3 try;

4 (iii) recent threats, terrorist and for-
5 eign fighter travel trends, and the overall
6 terror threat environment in each country;
7 and

8 (iv) other criteria as determined by
9 the Secretary of State and the Secretary of
10 Homeland Security;

11 (B) detail existing United States Govern-
12 ment programs, projects, and activities which
13 are intended to or have the substantial effect of
14 building the capacity of such countries to com-
15 bat travel by terrorists and foreign fighters, in-
16 cluding estimated spending levels by country
17 where practicable; and

18 (C) outline a plan for prioritizing United
19 States Government resources toward countries
20 referred to in subparagraph (A), including—

21 (i) identifying efforts which should be
22 reformed, consolidated, or eliminated; and

23 (ii) detailing new programs, projects,
24 or activities that are requested, being

1 planned, or are undergoing implementation
2 and associated costs.

3 **SEC. 3. SHARING SYSTEMS AND EQUIPMENT TO OBSTRUCT**
4 **TRAVEL BY TERRORISTS AND FOREIGN**
5 **FIGHTERS.**

6 (a) BORDER SECURITY AND COUNTERTERRORISM
7 SCREENING TOOLS.—

8 (1) IN GENERAL.—Subject to paragraph (2)
9 and subsection (d), the Secretary of Homeland Secu-
10 rity and the Secretary of State shall, to the extent
11 practicable and consistent with the national security
12 of the United States, accelerate the provision of ap-
13 propriate versions of the following systems to foreign
14 governments:

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

17 (B) The Department of State’s watchlist-
18 ing, identification, and screening systems.

19 (2) PRIORITIZATION.—The Secretary of Home-
20 land Security and the Secretary of State shall co-
21 ordinate to prioritize the provision of the systems
22 specified in paragraph (1) to countries determined to
23 be countries referred to in subsection (c)(3)(A) of
24 section 2 in the foreign partner engagement plan re-
25 quired under such section.

1 (b) EQUIPMENT TRANSFER.—

2 (1) IN GENERAL.—Subject to paragraphs (2),
3 (3), and (8), the Secretary of Homeland Security is
4 authorized to provide to a foreign government, with
5 or without reimbursement, excess nonlethal equip-
6 ment and supplies owned by the Department of
7 Homeland Security.

8 (2) DETERMINATION.—The Secretary of Home-
9 land Security is authorized to provide equipment and
10 supplies pursuant to paragraph (1) if the Secretary
11 determines that the provision of such equipment and
12 supplies would—

13 (A) further the homeland security interests
14 of the United States; and

15 (B) enhance the recipient government’s ca-
16 pacity to—

17 (i) mitigate the risk or threat of ter-
18 rorism, infectious disease, or natural dis-
19 aster;

20 (ii) protect and expedite lawful trade
21 and travel; or

22 (iii) protect the legal framework relat-
23 ing to intellectual property rights and en-
24 force such rights.

1 (3) LIMITATION ON TRANSFER.—The Secretary
2 of Homeland Security may not—

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

7 (B) provide any vessel or aircraft pursuant
8 to this subsection.

9 (4) RELATED TRAINING.—In conjunction with a
10 provision of equipment or supplies pursuant to para-
11 graph (1), the Secretary of Homeland Security may
12 provide such equipment-related or supplies-related
13 training and assistance as the Secretary determines
14 to be necessary.

15 (5) MAINTENANCE OF TRANSFERRED EQUIP-
16 MENT.—The Secretary of Homeland Security may
17 provide for the maintenance of transferred equip-
18 ment or supplies through service contracts or other
19 means, with or without reimbursement, as the Sec-
20 retary determines appropriate.

21 (6) REIMBURSEMENT OF EXPENSES.—The Sec-
22 retary of Homeland Security is authorized to collect
23 payment from the recipient government for the pro-
24 vision of training, shipping costs, supporting mate-
25 rials, maintenance, supplies, or other assistance in

1 support of provided equipment or supplies under this
2 subsection.

3 (7) RECEIPTS CREDITED AS OFFSETTING COL-
4 LECTIONS.—Notwithstanding section 3302 of title
5 31, United States Code, any amount collected under
6 this subsection—

7 (A) shall be credited as offsetting collec-
8 tions, subject to appropriations, to the account
9 that finances the activities and services for
10 which the payment is received; and

11 (B) shall remain available until expended
12 for the purpose of providing for the security in-
13 terests of the homeland.

14 (8) CONCURRENCE.—The Secretary of Home-
15 land Security may exercise the authority under this
16 subsection only with the concurrence of the Sec-
17 retary of State.

18 (9) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed as affecting, aug-
20 menting, or diminishing the authority of the Sec-
21 retary of State.

22 (10) DEFINITION.—For the purposes of this
23 section, the term “excess nonlethal equipment and
24 supplies” means equipment and supplies the Sec-
25 retary of Homeland Security has determined is ei-

1 ther not required for United States domestic oper-
2 ations, or would be more effective to homeland secu-
3 rity if deployed for use outside of the United States.

4 (c) NOTIFICATION TO CONGRESS.—

5 (1) IN GENERAL.—Not later than 15 days be-
6 fore providing any systems or equipment or supplies
7 under this section, the Secretary of Homeland Secu-
8 rity and Secretary of State shall provide notification
9 to the appropriate congressional committees of such
10 provision.

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

13 (A) The specific vulnerability, risk, or
14 threat that will be mitigated by the provision of
15 any systems or equipment or supplies under
16 this section.

17 (B) An explanation as to why the recipient
18 is unable or unwilling to independently acquire
19 such systems or equipment or supplies.

20 (C) An evacuation plan for any sensitive
21 technologies in case of emergency or instability
22 in the country to which such systems or equip-
23 ment or supplies is being provided.

24 (D) How the United States Government
25 will ensure that such systems or equipment or

1 supplies are being maintained appropriately and
2 used as intended.

3 (E) The total dollar value of such systems,
4 equipment, or supplies.

5 (d) RULE OF CONSTRUCTION.—

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

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

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

20 (B) any successor regulations.

1 **SEC. 4. ACTIONS WITH RESPECT TO FOREIGN COUNTRIES**
2 **THAT FAIL TO MEET MINIMUM STANDARDS**
3 **FOR SERIOUS AND SUSTAINED EFFORTS TO**
4 **COMBAT TERRORIST AND FOREIGN FIGHTER**
5 **TRAVEL.**

6 (a) REPORTS TO CONGRESS.—

7 (1) IN GENERAL.—Not later than April 30 of
8 each year through 2024, the Secretary of State, in
9 coordination with the Secretary of Homeland Secu-
10 rity, shall submit to the appropriate congressional
11 committees a report with respect to the status of ef-
12 forts of foreign governments to combat terrorist and
13 foreign fighter travel, which shall include an update
14 to the foreign partner engagement plan required
15 under section 2(c). Such reports shall include de-
16 scriptions of relevant United States Government ac-
17 tions taken to help countries comply with minimum
18 standards for serious and sustained efforts to com-
19 bat terrorist and foreign fighter travel, such as the
20 efforts described in subsection (b).

21 (2) FORM.—The reports required by paragraph
22 (1) shall be submitted in unclassified and classified
23 form.

24 (3) INCLUSION IN COUNTRY REPORTS ON TER-
25 RORISM.—To the extent practicable, the Secretary of
26 State, in coordination with the Secretary of Home-

1 land Security, should incorporate the reports re-
2 quired by paragraph (1) into the annual country re-
3 ports on terrorism submitted pursuant to section
4 140 of the Foreign Relations Authorization Act, Fis-
5 cal Years 1988 and 1989 (22 U.S.C. 2656f).

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

10 (1) The government of the foreign country
11 makes meaningful efforts to identify and monitor
12 terrorists and foreign fighters operating within the
13 territory of the country.

14 (2) The government of the foreign country reg-
15 ularly exchanges substantive counterterrorism infor-
16 mation with other foreign governments, including
17 the United States Government, through bilateral or
18 multilateral channels and international organizations
19 such as INTERPOL, and cooperates with other for-
20 eign governments in the investigation and prosecu-
21 tion of terrorists and foreign fighters.

22 (3) The government of the foreign country im-
23 plements effective border controls or participates in
24 an existing border-crossing control regime that has

1 been determined by the United States Government
2 to employ effective border-crossing oversight.

3 (4) The government of the foreign country has
4 controls and systems in place to prevent and report
5 upon counterfeiting, forgery, and fraudulent use or
6 possession of false, stolen, or lost identity papers
7 and travel documents.

8 (5) The government of the foreign country col-
9 lects air passenger data and employs evidence-based
10 traveler risk assessment and screening procedures,
11 including collection and analysis of travel data.

12 (6) The government of the foreign country ap-
13 propriately screens travelers, including vetting of
14 travelers at air, sea, and land ports of entry, against
15 counterterrorism and other criminal databases, as
16 appropriate.

17 (7) The government of the foreign country sub-
18 mits information to INTERPOL databases and
19 screens travelers against INTERPOL databases at
20 ports of entry and exit.

21 (8) The government of the foreign country has
22 established and implemented domestic laws criminal-
23 izing material support to foreign terrorist organiza-
24 tions and has the ability and willingness to prosecute

1 cases involving such material support to foreign ter-
2 rorist organizations.

3 (9) The government of the foreign country
4 takes measures to prevent individuals in its territory
5 from traveling abroad to enlist with or provide mate-
6 rial support to foreign terrorist organizations.

7 (10) The government of the foreign country—

8 (A) takes measures to minimize—

9 (i) corruption and the likelihood that
10 corruption could impact the veracity of se-
11 curity and intelligence reporting from the
12 country; and

13 (ii) the likelihood that such corruption
14 could adversely affect the legitimacy of na-
15 tional identity papers of the country; and

16 (B) does not shelter suspects from inves-
17 tigation and prosecution.

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

22 (c) SUSPENSION OF ASSISTANCE.—

23 (1) IN GENERAL.—The Secretary of State, in
24 consultation with the Secretary of Homeland Secu-
25 rity and the heads of other Federal agencies, as ap-

1 appropriate, is authorized to suspend nonhumanitarian,
2 nontrade-related foreign assistance to a government of a foreign country if such government is
3 not making significant efforts to comply with the minimum standards for serious and sustained efforts
4 to combat terrorist and foreign fighter travel described in subsection (b).

8 (2) CONGRESSIONAL NOTIFICATION PROCEDURES.—Any suspension of assistance under paragraph (1) shall be subject to the prior notification
9 procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2394–1).

14 **SEC. 5. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives.

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

6 (3) NONHUMANITARIAN, NONTRADE-RELATED
7 FOREIGN ASSISTANCE.—The term “nonhumani-
8 tarian, nontrade-related foreign assistance” has the
9 meaning given the term in section 103(8)(B) of the
10 Trafficking Victims Protection Act of 2000 (22
11 U.S.C. 7102(8)(B)).

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

13 No additional funds are authorized to carry out the
14 requirements of this Act. Such requirements shall be car-
15 ried out using amounts otherwise authorized.

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