FTO PASSPORT REVOCATION ACT OF 2017; AND COUNTERTERRORISM SCREENING AND ASSISTANCE ACT OF 2017

MARKUP
BEFORE THE
SUBCOMMITTEE ON TERRORISM, NONPROLIFERATION, AND TRADE
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION
ON
H.R. 425 and H.R. 1196

JULY 19, 2017

Serial No. 115–44

Printed for the use of the Committee on Foreign Affairs


U.S. GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2017
C O N T E N T S

MARKUP ON

H.R. 425, To authorize the revocation or denial of passports to individuals affiliated with foreign terrorist organizations, and for other purposes .......... 2
Amendment in the nature of a substitute to H.R. 425 offered by the Honorable Ted Poe, a Representative in Congress from the State of Texas, and chairman, Subcommittee on Terrorism, Nonproliferation, and Trade ................................................................................................................. 5

H.R. 1196, 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 foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes ................................................................. 8
Amendment in the nature of a substitute to H.R. 1196 offered by the Honorable Lee M. Zeldin, a Representative in Congress from the State of New York ........................................................................................................... 25

APPENDIX

Markup notice ............................................................................................................ 46
Markup minutes ......................................................................................................... 47
Markup summary ...................................................................................................... 48
The subcommittee met, pursuant to notice, at 2:00 p.m., in room 2200 Rayburn House Office Building, Hon. Ted Poe (chairman of the subcommittee) presiding.

Mr. Poe. The subcommittee will come to order. Now that we have eight members, we can proceed on the two markups.

After the conclusion of this brief business meeting, we will proceed immediately to our scheduled hearing on Saudi Arabia’s Troubling Educational Curriculum.

Pursuant to notice, we will need to consider two bipartisan measures this afternoon. As members were notified yesterday, it is the intention of the Chair to consider today’s business en bloc so that we can proceed promptly to our hearing. So, without objection, we will proceed en bloc.

All members may have 5 days to insert remarks into the record and, without objection, the following members’ measures and amendments will be considered: H.R. 425, the FTO Passport Revocation Act of 2017; the Poe Amendment in the Nature of a Substitute to H.R. 425; H.R. 1196, the Counterterrorism Screening and Assistance Act of 2017; and the Zeldin Amendment in the Nature of a Substitute to H.R. 1196.

[The information referred to follows:]
115TH CONGRESS  
1ST SESSION  
H. R. 425  

To authorize the revocation or denial of passports to individuals affiliated with foreign terrorist organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES  
JANUARY 10, 2017  
Mr. Poe of Texas (for himself and Mr. Keating) introduced the following bill, which was referred to the Committee on Foreign Affairs.

A BILL  
To authorize the revocation or denial of passports to individuals affiliated with foreign terrorist organizations, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.  

3 This Act may be cited as the “FTO Passport Revocation Act of 2017”.

4 SEC. 2. REVOCATION OR DENIAL OF PASSPORTS TO INDIVIDUALS AFFILIATED WITH FOREIGN TERRORIST ORGANIZATIONS.  

5 The Act entitled “An Act to regulate the issue and validity of passports, and for other purposes”, approved
July 3, 1926 (22 U.S.C. 211a et seq.), commonly known as the “Passport Act of 1926”, is amended by adding at the end the following new section:

“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.

“(a) INELIGIBILITY.—

“(1) ISSUANCE.—Except as provided under subsection (b), the Secretary of State shall refuse to issue a passport to any individual whom the Secretary has determined—

“(A) is a member of or is otherwise affiliated with an organization the Secretary has designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

“(B) has aided, abetted, or provided material support to such an organization.

“(2) REVOCATION.—The Secretary of State shall revoke a passport previously issued to any individual described in paragraph (1).

“(b) EXCEPTIONS.—

“(1) EMERGENCY CIRCUMSTANCES, HUMANITARIAN REASONS, AND LAW ENFORCEMENT PURPOSES.—Notwithstanding subsection (a), the Secretary of State may issue to or decline to revoke a passport of an individual described in such sub-

...
section in emergency circumstances, for humanitarian reasons, or for law enforcement purposes.

“(2) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

“(A) limit a previously issued passport only for return travel to the United States; or

“(B) issue a limited passport that only permits return travel to the United States.

“(c) RIGHT OF REVIEW.—Any individual who, in accordance with this section, is denied issuance of a passport by the Secretary of State, or whose passport is revoked or otherwise limited by the Secretary, may request a hearing before the Secretary not later than 60 days after receiving notice of such denial, revocation, or limitation.

“(d) REPORT.—If the Secretary of State denies, issues, limits, or declines to revoke a passport under subsection (b), the Secretary shall, not later than 30 days after such denial, issuance, limitation, or revocation, submit to Congress a report on such denial, issuance, limitation, or revocation, as the case may be.

“(e) RULE OF CONSTRUCTION.—In this section, the term ‘passport’ includes a passport card.”
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 425
OFFERED BY MR. POE OF TEXAS

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FTO Passport Revocation Act of 2017”.

SEC. 2. REVOCATION OR DENIAL OF PASSPORTS TO INDIVIDUALS AFFILIATED WITH FOREIGN TERRORIST ORGANIZATIONS.

The Act entitled “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926 (22 U.S.C. 211a et seq.), commonly known as the “Passport Act of 1926”, is amended by adding at the end the following new section:

“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.

“(a) INELIGIBILITY.—

“(1) ISSUANCE.—Except as provided under subsection (b), the Secretary of State may refuse to issue a passport to any individual whom the Secretary has determined has aided, assisted, abetted, or otherwise helped an organization the Secretary
has designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

“(2) Revocation.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1).

“(b) Exceptions.—

“(1) Emergency circumstances, humanitarian reasons, and law enforcement purposes.—Notwithstanding subsection (a), the Secretary of State may issue to or decline to revoke a passport of an individual described in such subsection in emergency circumstances, for humanitarian reasons, for law enforcement purposes, or for any other purpose that is in the national interest of the United States.

“(2) Limitation for return to United States.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

“(A) limit a previously issued passport only for return travel to the United States; or

“(B) issue a limited passport that only permits return travel to the United States.

“(c) Right of Review.—Any individual who, in accordance with this section, is denied issuance of a passport
by the Secretary of State, or whose passport is revoked
or otherwise limited by the Secretary, may request a hear-
ing before the Secretary not later than 60 days after re-
ceiving notice of such denial, revocation, or limitation, as
the case may be.

“(d) REPORT.—

“(1) IN GENERAL.—If the Secretary of State
refuses to issue or revokes a passport pursuant to
subsection (a), the Secretary shall, not later than 30
days after such refusal or revocation, submit to the
Committee on Foreign Affairs of the House of Rep-
resentatives and the Committee on Foreign Rela-
tions of the Senate a report on such refusal or rev-
ocation, as the case may be.

“(2) FORM.—The report submitted under para-
graph (1) may be submitted in classified or unclassi-
fied form.

“(e) RULE OF CONSTRUCTION.—In this section, the
term ‘passport’ includes a passport card.”.
115TH CONGRESS
1ST SESSION

H. R. 1196

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 foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. ZELDIN (for himself, Mr. McCaul, and Ms. Sinema) 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 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,
SECTION 1. SHORT TITLE.

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

SEC. 2. FOREIGN PARTNER ENGAGEMENT PLAN.

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

(1) It is important for the national security of the United States to assist foreign partners in closing security gaps which may allow terrorists and foreign fighters to travel internationally, avoiding detection.

(2) Building foreign partner capacity to combat terrorist travel helps extend the United States security beyond its border to mitigate threats before they reach the United States.

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

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

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government must ensure capacity-building assistance is coordinated both among United States Government departments and agencies as well as with foreign implementing partners, and assistance should be prioritized for the highest-risk countries for travel by terrorists and foreign fighters.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every two years thereafter at the time of the President’s budget submission to Congress under section 1105 of title 31, United States Code, until 2023, the Secretary of State shall, in accordance with the protection of intelligence sources and methods, develop and submit to the appropriate congressional committees unclassified and classified versions of a foreign partner engagement plan which catalogues existing ca-
pacity-building initiatives abroad to combat travel by
terrorists and foreign fighters and identifies areas
for adjustment to align ongoing efforts with risk-
based priorities.

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

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

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

(i) an identification of the number of
flights that originate from last points of
departure in each country to the United
States;
(ii) visa waiver program status or visa application and denial rates for each country;

(iii) recent threats, terrorist and foreign fighter travel trends, and the overall terror threat environment in each country; and

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

(B) detail existing United States Government programs, projects, and activities which are intended to or have the substantial effect of building the capacity of such countries to combat travel by terrorists and foreign fighters, including estimated spending levels by country where practicable; and

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

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

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

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

(a) Border Security and Counterterrorism Screening Tools.—

(1) In general.—Subject to paragraph (2)
and subsection (d), the Secretary of Homeland Secu-
ritv and the Secretary of State shall, to the extent
practicable, accelerate the provision of appropriate
versions of the following systems to foreign govern-
ments:

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

(B) The Department of State’s
watchlisting, identification, and screening sys-
tems.

(2) Prioritization.—The Secretary of Home-
land Security and the Secretary of State shall co-
ordinate to prioritize the provision of the systems
specified in paragraph (1) to countries determined to
be countries referred to in subsection (c)(3)(A) of
section 2 in the foreign partner engagement plan re-
quired under such section.
(b) Equipment Transfer.—

(1) In general.—Subject to paragraphs (2), (3), and (8), the Secretary of Homeland Security is authorized to provide, with or without reimbursement, excess nonlethal equipment and supplies owned by the Department of Homeland Security to a foreign government.

(2) Determination.—The Secretary of Homeland Security is authorized to provide equipment and supplies pursuant to paragraph (1) if the Secretary determines that the provision of such equipment and supplies would—

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

(B) enhance the recipient government’s capacity to—

(i) mitigate the risk or threat of terrorism, infectious disease, or natural disaster;

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

(iii) enforce intellectual property rights.

(3) Limitation on Transfer.—The Secretary of Homeland Security may not—
(A) provide any equipment or supplies that
are designated as items on the United States
Munitions List pursuant to section 38 of the
Arms Export Control Act (22 U.S.C. 2778); or
(B) provide any vessel or aircraft pursuant
to this subsection.

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

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

(6) REIMBURSEMENT OF EXPENSES.—The Sec-
retary of Homeland Security is authorized to collect
payment from the recipient government for the pro-
vision of training, shipping costs, supporting mate-
rials, maintenance, supplies, or other assistance in
support of provided equipment or supplies under this
subsection.
(7) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any amount collected under this subsection—

(A) shall be credited as offsetting collections, subject to appropriations, to the account that finances the activities and services for which the payment is received; and

(B) shall remain available until expended for the purpose of providing for the security interests of the homeland.

(8) CONCURRENCE.—The Secretary of Homeland Security may exercise the authority under this subsection only with the concurrence of the Secretary of State.

(9) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.

(10) DEFINITION.—For the purposes of this section, the term “excess nonlethal equipment and supplies” means equipment and supplies the Secretary of Homeland Security has determined is either not required for United States domestic oper-
ations, or would be more effective to homeland secu-

rity if deployed for use outside of the United States.

(c) Notification to Congress.—

(1) In general.—Not later than 15 days be-

fore providing any systems or equipment or supplies
under this section, the Secretary of Homeland Secu-

rity and Secretary of State shall provide notification

to the appropriate congressional committees of such

provision.

(2) Contents.—A notification required under

paragraph (1) shall include the following:

(A) The specific vulnerability that will be

mitigated by the provision of any systems or

equipment or supplies under this section.

(B) An explanation as to why the recipient

is unable or unwilling to independently acquire

such systems or equipment or supplies.

(C) An evacuation plan for any sensitive

technologies in case of emergency or instability

in the country to which such systems or equip-

ment or supplies is being provided.

(D) How the United States Government

will ensure that such systems or equipment or

supplies are being maintained appropriately and

used as intended.
(E) The total dollar value of such systems, equipment, and supplies.

(d) Rule of Construction.—

(1) In general.—The authority provided under this section shall be exercised in accordance with applicable provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Export Administration Regulations, or any other similar provision of law.

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

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

(B) any successor regulations.

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

(a) Reports to Congress.—
(1) IN GENERAL.—Not later than April 30 of each year through 2022, the Secretary of State, in coordination with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report with respect to the status of efforts of foreign governments to combat terrorist and foreign fighter travel, which shall include an update to the foreign partner engagement plan required under section 2(c). Such reports shall include descriptions of relevant United States Government actions taken to help countries comply with minimum standards for serious and sustained efforts to combat terrorist and foreign fighter travel, such as those efforts described in subsection (b).

(2) FORM.—The reports required by paragraph (1) may be submitted in unclassified or classified form.

(3) INCLUSION IN COUNTRY REPORTS ON TERRORISM.—To the extent practicable, the Secretary of State, in coordination with the Secretary of Homeland Security, should incorporate the reports required by paragraph (1) into the annual country reports on terrorism submitted pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).
(b) Minimum Standards Described.—The minimum standards for serious and sustained efforts to combat terrorist and foreign fighter travel applicable to the government of a foreign country include the following:

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

(2) The government of the country regularly exchanges substantive counterterrorism information with other foreign governments, including the United States Government, through bilateral or multilateral channels and international organizations such as INTERPOL, and cooperates with other foreign governments in the investigation and prosecution of terrorists and foreign fighters.

(3) The government of the country implements effective border controls or participates in an existing border-crossing control regime that has been determined by the United States Government to employ effective border-crossing oversight.

(4) The government of the country has controls and systems in place to prevent and report upon counterfeiting, forgery, and fraudulent use or pos-
session of false, stolen, or lost identity papers and
tavel documents.

(5) The government of the country collects air
passenger data and employs evidence-based traveler
risk assessment and screening procedures, including
collection and analysis of travel data.

(6) The government of the country appro-
priately screens travelers, including vetting of trav-
ellers at air, sea, and land ports of entry, against
counterterrorism and other criminal databases, as
appropriate.

(7) The government of the country submits in-
formation to INTERPOL databases and screens
travelers against INTERPOL databases at ports of
entry and exit.

(8) The government of the country has estab-
lished and implemented domestic laws criminalizing
material support to foreign terrorist organizations
and has the ability and willingness to prosecute
cases involving such material support to foreign ter-
rorist organizations.

(9) The government of the country takes meas-
ures to prevent individuals in its territory from trav-
eling abroad to enlist with or provide material sup-
port to foreign terrorist organizations.
(10) The government of the country takes measures to ensure a minimal level of corruption and likelihood that corruption could impact the veracity of security and intelligence reporting from the country, a minimal likelihood that such corruption could adversely affect the legitimacy of national identity papers of the country, and the country does not shelter suspects from investigation and prosecution.

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

(c) SUSPENSION OF ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other Federal agencies, as appropriate, is authorized to suspend nonhumanitarian, nontrade-related foreign assistance to any government of a foreign country if the foreign country is identified in subparagraph (C) of subsection (a)(1) in the most recent report submitted to the appropriate congressional committees under such subsection.

SEC. 5. DEFINITIONS.
In this Act:
(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.

(2) **Foreign Terrorist Organization.**—The term “foreign terrorist organization” means an organization that is designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(3) **Nonhumanitarian, Nontrade-related Foreign Assistance.**—The term “nonhumanitarian, nontrade-related foreign assistance” has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).
SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.
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:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Counterterrorism Screening and Assistance Act of 2017”.

SEC. 2. FOREIGN PARTNER ENGAGEMENT PLAN.
(a) FINDINGS.—Consistent with the final report of the Committee on Homeland Security of the House of Representatives bipartisan “Task Force on Combating Terrorist and Foreign Fighter Travel”, Congress makes the following findings:

(1) It is important for the national security of the United States to assist foreign partners in closing security gaps which may allow terrorists and foreign fighters to travel internationally, avoiding detection.

(2) Building foreign partner capacity to combat terrorist travel helps extend the United States security beyond its border to mitigate threats before they reach the United States.
(3) United States Government departments and agencies have spent billions of dollars to help foreign partners improve their security against terrorist travel since the attacks of September 11, 2001, including through the provision of technical assistance, equipment, training, and other tools.

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

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government must ensure capacity-building assistance to deter travel by terrorists and foreign fighters is coordinated both among United States Government departments and agencies as well as with foreign implementing partners.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every two years thereafter at the time of the President’s
budget submission to Congress under section 1105 of title 31, United States Code, until 2023, the Secretary of State shall, in accordance with the protection of intelligence sources and methods, develop and submit to the appropriate congressional committees unclassified and classified versions of a foreign partner engagement plan which catalogues existing capacity-building initiatives abroad to combat travel by terrorists and foreign fighters and identifies areas for adjustment to align ongoing efforts with risk-based priorities.

(2) COORDINATION.—The plan required under paragraph (1) shall be developed in coordination with all relevant United States Government departments and agencies and in consultation with the Secretary of Homeland Security, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation.

(3) CONTENTS.—The plan required under paragraph (1) shall—

(A) include an assessment of the countries of greatest concern and risk for travel to the United States by members of foreign terrorist organizations and foreign fighters, which may
be based on the minimum standards described in section 4(b), as well as other factors, as appropriate, including—

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

(ii) visa waiver program status or visa application and denial rates for each country;

(iii) recent threats, terrorist and foreign fighter travel trends, and the overall terror threat environment in each country; and

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

(B) detail existing United States Government programs, projects, and activities which are intended to or have the substantial effect of building the capacity of such countries to combat travel by terrorists and foreign fighters, including estimated spending levels by country where practicable; and
(C) outline a plan for prioritizing United States Government resources toward countries referred to in subparagraph (A), including—

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

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

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

(a) BORDER SECURITY AND COUNTERTERRORISM SCREENING TOOLS.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (d), the Secretary of Homeland Security and the Secretary of State shall, to the extent practicable, accelerate the provision of appropriate versions of the following systems to foreign governments:

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

(B) The Department of State’s watchlisting, identification, and screening systems.
(2) PRIORITIZATION.—The Secretary of Homeland Security and the Secretary of State shall coordinate to prioritize the provision of the systems specified in paragraph (1) to countries determined to be countries referred to in subsection (c)(3)(A) of section 2 in the foreign partner engagement plan required under such section.

(b) EQUIPMENT TRANSFER.—

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

(2) DETERMINATION.—The Secretary of Homeland Security is authorized to provide equipment and supplies pursuant to paragraph (1) if the Secretary determines that the provision of such equipment and supplies would—

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

(B) enhance the recipient government’s capacity to—
(i) mitigate the risk or threat of terrorism, infectious disease, or natural disaster;
(ii) protect and expedite lawful trade and travel; or
(iii) enforce intellectual property rights.

(3) LIMITATION ON TRANSFER.—The Secretary of Homeland Security may not—
(A) provide any equipment or supplies that are designated as items on the United States Munitions List pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778); or
(B) provide any vessel or aircraft pursuant to this subsection.

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

(5) MAINTENANCE OF TRANSFERRED EQUIPMENT.—The Secretary of Homeland Security may provide for the maintenance of transferred equipment or supplies through service contracts or other
means, with or without reimbursement, as the Secretary determines appropriate.

(6) REIMBURSEMENT OF EXPENSES.—The Secretary of Homeland Security is authorized to collect payment from the recipient government for the provision of training, shipping costs, supporting materials, maintenance, supplies, or other assistance in support of provided equipment or supplies under this subsection.

(7) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any amount collected under this subsection—

(A) shall be credited as offsetting collections, subject to appropriations, to the account that finances the activities and services for which the payment is received; and

(B) shall remain available until expended for the purpose of providing for the security interests of the homeland.

(8) CONCURRENCE.—The Secretary of Homeland Security may exercise the authority under this subsection only with the concurrence of the Secretary of State.
(9) **Rule of construction.**—Nothing in this subsection may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.

(10) **Definition.**—For the purposes of this section, the term “excess nonlethal equipment and supplies” means equipment and supplies the Secretary of Homeland Security has determined is either not required for United States domestic operations, or would be more effective to homeland security if deployed for use outside of the United States.

(c) **Notification to Congress.**—

(1) **In general.**—Not later than 15 days before providing any systems or equipment or supplies under this section, the Secretary of Homeland Security and Secretary of State shall provide notification to the appropriate congressional committees of such provision.

(2) **Contents.**—A notification required under paragraph (1) shall include the following:

(A) The specific vulnerability that will be mitigated by the provision of any systems or equipment or supplies under this section.
(B) An explanation as to why the recipient is unable or unwilling to independently acquire such systems or equipment or supplies.

(C) An evacuation plan for any sensitive technologies in case of emergency or instability in the country to which such systems or equipment or supplies is being provided.

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

(E) The total dollar value of such systems, equipment, and supplies.

(d) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—The authority provided under this section shall be exercised in accordance with applicable provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Export Administration Regulations, or any other similar provision of law.

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

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

(B) any successor regulations.

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

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than April 30 of each year through 2022, the Secretary of State, in coordination with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report with respect to the status of efforts of foreign governments to combat terrorist and foreign fighter travel, which shall include an update to the foreign partner engagement plan required under section 2(c). Such reports shall include descriptions of relevant United States Government actions taken to help countries comply with minimum standards for serious and sustained efforts to combat terrorist and foreign fighter travel, such as those efforts described in subsection (b).
(2) Form.—The reports required by paragraph (1) may be submitted in unclassified or classified form.

(3) Inclusion in Country Reports on Terrorism.—To the extent practicable, the Secretary of State, in coordination with the Secretary of Homeland Security, should incorporate the reports required by paragraph (1) into the annual country reports on terrorism submitted pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

(b) Minimum Standards Described.—The minimum standards for serious and sustained efforts to combat terrorist and foreign fighter travel applicable to the government of a foreign country include the following:

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

(2) The government of the country regularly exchanges substantive counterterrorism information with other foreign governments, including the United States Government, through bilateral or multilateral channels and international organizations such as INTERPOL, and cooperates with other for-
eign governments in the investigation and prosecution of terrorists and foreign fighters.

(3) The government of the country implements effective border controls or participates in an existing border-crossing control regime that has been determined by the United States Government to employ effective border-crossing oversight.

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

(5) The government of the country collects air passenger data and employs evidence-based traveler risk assessment and screening procedures, including collection and analysis of travel data.

(6) The government of the country appropriately screens travelers, including vetting of travelers at air, sea, and land ports of entry, against counterterrorism and other criminal databases, as appropriate.

(7) The government of the country submits information to INTERPOL databases and screens travelers against INTERPOL databases at ports of entry and exit.
(8) The government of the country has established and implemented domestic laws criminalizing material support to foreign terrorist organizations and has the ability and willingness to prosecute cases involving such material support to foreign terrorist organizations.

(9) The government of the country takes measures to prevent individuals in its territory from traveling abroad to enlist with or provide material support to foreign terrorist organizations.

(10) The government of the country takes measures to ensure a minimal level of corruption and likelihood that corruption could impact the veracity of security and intelligence reporting from the country, a minimal likelihood that such corruption could adversely affect the legitimacy of national identity papers of the country, and the country does not shelter suspects from investigation and prosecution.

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

(c) SUSPENSION OF ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Homeland Se-
Security and the heads of other Federal agencies, as appropriate, is authorized to suspend nonhumanitarian, nontrade-related foreign assistance to any government of a foreign country if the foreign country is identified in subparagraph (C) of subsection (a)(1) in the most recent report submitted to the appropriate congressional committees under such subsection.

SEC. 5. DEFINITIONS.

In this Act:

(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.

(2) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization that is designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).
Mr. POE. Before turning to our ranking member, I now recognize myself to speak on today's two bills. The two bipartisan bills today before us, H.R. 425 and 1196, address dangerous issues: Terrorists and foreign fighter travel.

H.R. 425, the FTO Passport Revocation Act that Ranking Member Keating and myself introduced will authorize the Secretary of State to revoke passports of those Americans who have aided and abetted terrorist organizations. This will help prevent American citizens with evil designs to exploit the privilege of a U.S. passport to support the murderous cause of terrorism.

Mr. Zeldin's important bill, H.R. 1196, the Counterterrorism Screening and Assistance Act of 2017 will increase U.S. engagement with partner nations and increase the capacity to screen and prevent foreign fighter travel. We have all seen the devastating results of lax security and screenings, including most recently when the perpetrator of the Manchester bombing returned from Libya, an ISIS hotspot, days before the attack.

These two measures will go a long way to securing our homeland and protecting our allies around the world. I encourage all members to vote in favor of these two important pieces of legislation.

I will now yield to the gentleman from Massachusetts, the ranking member, Mr. Keating.

Mr. KEATING. Thank you, Chairman Poe and thank you for bringing forward those two important pieces of legislation.

H.R. 425, the FTO Passport Revocation Act of which I am proud to join you as a cosponsor, is straightforward. This bill would authorize the Secretary of State to refuse to issue a passport to or revoke the passport of an individual who is affiliated with aiding, as-
sisting, or abetting an organization the Secretary has designated as a foreign terrorist organization with certain exceptions, including emergency circumstances, humanitarian reasons, and law enforcement purposes. I appreciate your leadership on this issue and your attention to streamlining the changes between this bill and the House-passed version from last Congress.

H.R. 1196, the Counterterrorism Screening and Assistance Act introduced by our colleague, Mr. Zeldin, is a product of the House Homeland Security Committee’s Foreign Fighters Task Force. As many of us know, the task force completed and published a review of foreign fighter travel and threats in 2016. This bill, a version of which passed the House under suspension last year, seeks to improve U.S. programs to strengthen foreign governments’ efforts to disrupt terrorist and foreign fighter travel. I am particularly appreciative of your willingness to continue to work with me and members of the subcommittee to further improve this legislation.

It is important that we do not penalize our foreign partners for their efforts, promote peace at home, and that we ensure any foreign assistance authorized to be suspended under this bill is not detrimental to our security concerns.

I look forward to working with you to this end and thank you for your commitment. I yield back.

Mr. Poe. Do any other members wish to seek recognition? The Chair recognizes the gentleman from New York, Mr. Zeldin.

Mr. Zeldin. Well, thank you, Mr. Chairman. I appreciate the subcommittee’s consideration of my legislation today.

Sadly, we have seen terrorist attacks in Europe over the last 3 years, which have killed hundreds of people and were largely carried about by European nationals. Some of the perpetrators of these attacks traveled to train and fight in Syria and returned to Europe through Greece and Turkey. Although some of the attackers were already known to local authorities, they were able to move across borders without detection and, in some cases, used fraudulent passports.

Given the high number of foreign fighters returning from ISIS strongholds in Syria, Iraq, and elsewhere, there is a recognized need for improved border security information-sharing between governments.

The lack of a United States governmentwide risk-based approach increases the odds that systematic security gaps abroad may persist and that United States response efforts will not maximized in order to close these gaps. Failure to effectively coordinate capacity-building activities also results in greater risk of overlap, waste, and unnecessary duplication between the United States and international programs.

To help solve this program problem, I introduced H.R. 1196, the Counterterrorism Screening and Assistance Act of 2017. This effort is very similar to H.R. 4314 from the 114th Congress, which passed the house by a 371 to 2 vote on March 21, 2016.

H.R. 1196 mandates a report card which will assess foreign governments’ respective border security efforts. My bill would also require the President to submit a plan to Congress, which would catalog ongoing initiatives and programs with the goal of enhancing the partner and country capacities of interdicting terrorist ac-
tivities and foreign fighter travel. The plan will also identify areas for improvement and steps that will be taken to address any concerns.

H.R. 1196 would also require the Department of State and Department of Homeland Security to accelerate the delivery of certain border security systems prioritizing delivery to countries of greatest concern and risk for foreign fighter or terrorist travel. When possible, the U.S. will attempt to collect reimbursement for transferred equipment and all equipment transfers will comply with existing regulations related to the export of sensitive technologies.

The Department of State and Department of Homeland Security will also be required to submit an annual report to Congress detailing how countries are meeting the minimum of border security standards established within the Act. The report will assess partner country efforts over the previous 12 months and identify areas for improvement.

Further, the bill would put in place a monitoring system that would screen for infectious diseases to contain and prevent any potential outbreaks, which will help quarantine viruses by authorizing the Secretary of Homeland Security to provide the necessary equipment and supplies to mitigate the risk or threat of infectious diseases such as Zika.

Finally, H.R. 1196 would allow the Secretary of State, in consultation with the Secretary of Homeland Security, to suspend all nonhumanitarian, nontrade-related foreign assistance to any country deemed not to meet the minimum border security standards set forth in the bill.

Senators Marco Rubio and Chris Coons have introduced a companion bill in the Senate, which is Senate Bill 942.

I look forward to working with my colleagues in the House and our friends in the Senate to pass and send this bill to the President.

Again, I would like to thank you, Chairman, and the ranking member for your hard work and efforts in considering this legislation today and I yield back.

Mr. Poe. I thank the gentleman from New York.

Does any other member wish to be recognized?

The Chair recognizes the gentleman from South Carolina, Mr. Wilson.

Mr. Wilson. Thank you, Chairman Judge Ted Poe, for your leadership. I am grateful to support the bills in today’s markup. I always appreciate being in the presence of Chairman Frank Wolf of the Commonwealth of Virginia.

Recently, we have seen a rise in the terrorist threats coming from returned foreign fighters and homegrown terrorists, as the Islamic State uses their extensive digital network to promote violent extreme messaging in an effort to recruit in Western nations, including in the United States.

I was grateful to introduce an amendment to this year’s National Defense Authorization Act last week that would counter the propaganda and fundraising efforts that are used to recruit Americans to join terrorist groups as foreign fighters. We should also have penalties for American citizens who join the fight against freedom, democracy, and human dignity, including the revocation or denial
of a United States passport. We also need to establish minimum border security standards to combat international travel by foreign terrorist fighters. The bills before the subcommittee today do just that by working in a comprehensive manner to address both the causes of foreign terrorist fighters and their movements so that we can protect American families.

Thank you, Mr. Chairman. I yield back.

Mr. Poe. Any other members wish to be heard? Seeing none, the question occurs on the items mentioned en bloc.

All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it. The measures considered en bloc are agreed to.

Without objection, the measures considered en bloc will be ordered favorably to the full committee, as amended. The staff, as decided, are directed to make technical and conforming changes.

This concludes our markup. The subcommittee stands adjourned on the markup.

[Whereupon, at 2:45 p.m., the subcommittee was adjourned.]
APPENDIX

MATERIAL SUBMITTED FOR THE RECORD
TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs, to be held by the Subcommittee on Terrorism, Nonproliferation, in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at http://www.foreignaffairs.house.gov): 

DATE: Wednesday, July 19, 2017 
TIME: 2:00 p.m. 

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5751 or leave your business days an advance of the time, whenever practicable. Questions with respect to special accommodations in general including availability of Committee materials in alternative formats and assistive listening devices may be directed to the Committee.
COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Terrorism, Nonproliferation, and Trade MARKUP

Day: Wednesday  Date: 7/19/17  Room: 2290
Starting Time: 2:35  Ending Time: 2:45

Recesses: 

Treating Member(s)
Chairman Poe

Check all of the following that apply:
Open Session [X]  Executive (closed) Session [ ]
Televised [ ]  Electronically Recorded (taped) [X]
Stenographic Record [X]

HILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)
H.R. 425, FTO Passport Revocation Act of 2017
H.R. 1196 Counterterrorism Screening and Assistance Act of 2017

COMMITTEE MEMBERS PRESENT:
Reps. Poe, Keating, Wilson, Cook, Torres, Zeldin, Schneider, Garrett

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)
See Markup Summary.

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Yes</th>
<th>No</th>
<th>Present</th>
<th>Not Voting</th>
</tr>
</thead>
</table>

TIME SCHEDULED TO RECONVENE OR TIME ADJOURNED 2:45

[Signature]
Subcommittee Staff Associate
By unanimous consent, the Chair called up the following measures and amendments, previously provided to Members, to be considered en bloc:

1. H R 425 (Poe), FTO Passport Revocation Act of 2017,
   a. Poe 45, in the nature of a substitute to H.R. 425

2. H R 1196 (Zeldin), Counterterrorism Screening and Assistance Act of 2017,
   a. Zeldin 25, in the nature of a substitute to H.R. 1196

The measures considered en bloc were agreed to by voice vote.

By unanimous consent, the measures as amended were ordered favorably reported to the Full Committee, as amended.

The Subcommittee adjourned.