

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
7 **TEES.**—The term “appropriate congressional com-  
8 mittees” means—

9 (A) the Committee on Commerce, Science,  
10 and Transportation of the Senate;

11 (B) the Committee on Foreign Relations of  
12 the Senate;

13 (C) the Committee on Homeland Security  
14 and Governmental Affairs of the Senate;

15 (D) the Committee on the Judiciary of the  
16 Senate;

17 (E) the Committee on Foreign Affairs of  
18 the House of Representatives;

19 (F) the Committee on Homeland Security  
20 of the House of Representatives; and

21 (G) the Committee on the Judiciary of the  
22 House of Representatives.

23 (2) **FOREIGN TERRORIST ORGANIZATION.**—The  
24 term “foreign terrorist organization” means an or-  
25 ganization that is designated by the Secretary of  
26 State as a foreign terrorist organization pursuant to

1 section 219(a) of the Immigration and Nationality  
2 Act (8 U.S.C. 1189(a)).

3 (3) NONHUMANITARIAN, NONTRADE-RELATED  
4 FOREIGN ASSISTANCE.—The term “nonhumanitarian,  
5 nontrade-related foreign assistance” has the  
6 meaning given the term in section 103 of the Traf-  
7 ficking Victims Protection Act of 2000 (22 U.S.C.  
8 7102).

9 **SEC. 3. FOREIGN PARTNER ENGAGEMENT PLAN.**

10 (a) FINDINGS.—Consistent with the final report of  
11 the Committee on Homeland Security of the House of  
12 Representatives’s bipartisan Task Force on Combating  
13 Terrorist and Foreign Fighter Travel, Congress makes the  
14 following findings:

15 (1) It is important for the national security of  
16 the United States to assist foreign partners in closing  
17 security gaps that may allow terrorists and foreign  
18 fighters to avoiding detection while traveling  
19 internationally.

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

24 (3) Since the attacks on September 11, 2001,  
25 United States Government departments and agen-

1       cies have spent billions of dollars helping foreign  
2       partners improve their security against terrorist  
3       travel, including by providing such partners with  
4       technical assistance, equipment, training, and other  
5       tools.

6               (4) The lack of a United States Government-  
7       wide, risk-based approach increases the likelihood  
8       that—

9                       (A) systematic security gaps abroad will  
10       persist; and

11                      (B) the United States Government will not  
12       maximize its response efforts to close such  
13       gaps.

14               (5) Failure to effectively coordinate capacity-  
15       building activities also increases the likelihood of  
16       overlap, waste, and unnecessary duplication between  
17       the United States and international programs.

18       (b) SENSE OF CONGRESS.—It is the sense of Con-  
19       gress that—

20               (1) the United States Government must ensure  
21       capacity-building assistance is coordinated—

22                      (A) among United States Government de-  
23       partments and agencies; and

24                      (B) with foreign implementing partners;  
25       and

1           (2) such assistance should be prioritized for the  
2 highest-risk countries for travel by terrorists and  
3 foreign fighters.

4           (c) PLAN.—

5           (1) IN GENERAL.—Not later than 180 days  
6 after the date of the enactment of this Act, and  
7 every two years thereafter in conjunction with the  
8 President’s budget submission to Congress under  
9 section 1105 of title 31, United States Code, until  
10 2023, the Secretary of State, in accordance with the  
11 protection of intelligence sources and methods, shall  
12 develop and submit to the appropriate congressional  
13 committees unclassified and classified versions of a  
14 foreign partner engagement plan, which—

15           (A) catalogs existing capacity-building ini-  
16 tiatives abroad to combat travel by terrorists  
17 and foreign fighters; and

18           (B) identifies areas for adjustment to align  
19 ongoing efforts with risk-based priorities.

20           (2) COORDINATION AND CONSULTATION.—The  
21 plan required under paragraph (1) shall be devel-  
22 oped in coordination with all relevant United States  
23 Government departments and agencies and in con-  
24 sultation with the Secretary of Homeland Security,  
25 the Secretary of the Treasury, the Secretary of De-

1       fense, the Attorney General, the Director of Na-  
2       tional Intelligence, and the Director of the Federal  
3       Bureau of Investigation.

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

6                       (A) include an assessment of the countries  
7                       of greatest concern and risk for travel to the  
8                       United States by members of foreign terrorist  
9                       organizations and foreign fighters, which may  
10                      be based on the minimum standards described  
11                      in section 5(b) and other factors, as appro-  
12                      priate, including—

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

16                               (ii) visa waiver program status or visa  
17                               application and denial rates for each coun-  
18                               try;

19                               (iii) recent threats, terrorist and for-  
20                               eign fighter travel trends, and the overall  
21                               terror threat environment in each country;  
22                               and

23                               (iv) other criteria identified by the  
24                               Secretary of State and the Secretary of  
25                               Homeland Security;

1 (B) detail existing United States Govern-  
2 ment programs, projects, and activities intended  
3 to build the capacity of such countries to com-  
4 bat travel by terrorists and foreign fighters, in-  
5 cluding estimated spending levels by country, to  
6 the extent practicable; and

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

10 (i) efforts that should be reformed,  
11 consolidated, or eliminated; and

12 (ii) new programs, projects, or activi-  
13 ties that are requested, being planned, or  
14 are undergoing implementation and the  
15 costs associated with such programs,  
16 projects, or activities.

17 **SEC. 4. SHARING SYSTEMS AND EQUIPMENT TO OBSTRUCT**  
18 **TRAVEL BY TERRORISTS AND FOREIGN**  
19 **FIGHTERS.**

20 (a) **BORDER SECURITY AND COUNTERTERRORISM**  
21 **SCREENING TOOLS.—**

22 (1) **IN GENERAL.—**Subject to paragraph (2)  
23 and subsection (d), the Secretary of Homeland Secu-  
24 rity and the Secretary of State shall provide foreign

1 governments, to the extent practicable, appropriate  
2 versions of—

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

6 (B) the Department of State’s  
7 watchlisting, identification, and screening sys-  
8 tems.

9 (2) PRIORITIZATION.—The Secretary of Home-  
10 land Security and the Secretary of State shall pro-  
11 vide the systems specified in paragraph (1) to coun-  
12 tries referred to in section 3(c)(3)(A) before such  
13 systems are provided to other countries.

14 (b) EQUIPMENT TRANSFER.—

15 (1) DEFINED TERM.—In this subsection, the  
16 term “excess nonlethal equipment and supplies”  
17 means equipment and supplies that the Secretary of  
18 Homeland Security determines—

19 (A) are not required for United States do-  
20 mestic operations; or

21 (B) would be more effective to homeland  
22 security if deployed for use outside of the  
23 United States.

24 (2) AUTHORIZATION.—Subject to paragraphs

25 (3) and (8), the Secretary of Homeland Security



1       may provide excess nonlethal equipment and supplies  
2       to a foreign government, with or without reimburse-  
3       ment, if the Secretary determines such action  
4       would—

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

7               (B) enhance the recipient government’s ca-  
8       pacity—

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

12                      (ii) to protect and expedite lawful  
13       trade and travel; or

14                      (iii) to enforce intellectual property  
15       rights.

16       (3) LIMITATION ON TRANSFER.—In carrying  
17       out paragraph (2), the Secretary of Homeland Secu-  
18       rity may not provide any foreign country with—

19               (A) any equipment or supplies that are  
20       designated as items on the United States Muni-  
21       tions List pursuant to section 38 of the Arms  
22       Export Control Act (22 U.S.C. 2778); or

23               (B) any vessel or aircraft.

24       (4) RELATED TRAINING.—In conjunction with  
25       the provision of equipment or supplies pursuant to

1 paragraph (1), the Secretary of Homeland Security  
2 may provide such training and assistance as the Sec-  
3 retary determines to be necessary to use or operate  
4 such equipment or supplies.

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

11 (6) REIMBURSEMENT OF EXPENSES.—The Sec-  
12 retary of Homeland Security may collect payment  
13 from a recipient government under this subsection  
14 for the provision of training, shipping costs, sup-  
15 porting materials, maintenance, supplies, or other  
16 assistance in support of equipment or supplies pro-  
17 vided under this subsection.

18 (7) RECEIPTS CREDITED AS OFFSETTING COL-  
19 LECTIONS.—Notwithstanding section 3302 of title  
20 31, United States Code, any amount collected under  
21 this subsection—

22 (A) shall be credited as offsetting collec-  
23 tions, subject to appropriations, to the account  
24 that finances the activities and services for  
25 which the payment is received; and

1 (B) shall remain available until expended  
2 for homeland security.

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

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

11 (c) NOTIFICATION TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 15 days be-  
13 fore providing any systems, equipment, or supplies  
14 under this section, the Secretary of Homeland Secu-  
15 rity and Secretary of State shall notify the appro-  
16 priate congressional committees in accordance with  
17 paragraph (2).

18 (2) CONTENTS.—Each notification under para-  
19 graph (1) shall include—

20 (A) the specific vulnerability that will be  
21 mitigated by the provision of the systems,  
22 equipment, or supplies under this section;

23 (B) an explanation for the recipient's in-  
24 ability or unwillingness to independently acquire  
25 such systems, equipment, or supplies;

1 (C) an evacuation plan for any sensitive  
2 technologies in case of emergency or instability  
3 in the country to which such systems or equip-  
4 ment or supplies is being provided;

5 (D) how the United States Government  
6 will ensure that such systems or equipment or  
7 supplies are being maintained appropriately and  
8 used as intended; and

9 (E) the total monetary value of such sys-  
10 tems, equipment, and supplies.

11 (d) RULE OF CONSTRUCTION.—

12 (1) DEFINED TERM.—In this subsection, the  
13 term “Export Administration Regulations” means—

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

20 (B) any successor regulations.

21 (2) RESTRICTION.—The authority provided  
22 under this section shall be exercised in accordance  
23 with applicable provisions of the Arms Export Con-  
24 trol Act (22 U.S.C. 2751 et seq.), the Export Ad-

1       ministration Regulations, and any other similar pro-  
2       vision of law.

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

8       (a) REPORTS TO CONGRESS.—

9           (1) IN GENERAL.—Not later than April 30 of  
10       each year through 2022, the Secretary of State, in  
11       coordination with the Secretary of Homeland Secu-  
12       rity, shall submit to the appropriate congressional  
13       committees a report, in unclassified or classified  
14       form, that describes—

15           (A) the status of efforts of foreign govern-  
16       ments to combat terrorist and foreign fighter  
17       travel, including an update to the foreign part-  
18       ner engagement plan required under section  
19       3(e); and

20           (B) relevant United States Government ac-  
21       tions taken to help countries comply with min-  
22       imum standards for serious and sustained ef-  
23       forts to combat terrorist and foreign fighter  
24       travel, such as the minimum standards de-  
25       scribed in subsection (b).

1           (2) INCLUSION IN COUNTRY REPORTS ON TER-  
2           RORISM.—To the extent practicable, the Secretary of  
3           State, in coordination with the Secretary of Home-  
4           land Security, should incorporate the reports re-  
5           quired under paragraph (1) into the annual country  
6           reports on terrorism submitted pursuant to section  
7           140 of the Foreign Relations Authorization Act, Fis-  
8           cal Years 1988 and 1989 (22 U.S.C. 2656f).

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

13               (1) making meaningful efforts to identify and  
14               monitor terrorists and foreign fighters operating  
15               within the territory of the country;

16               (2) regularly exchanging substantive counterter-  
17               rorism information with other foreign governments,  
18               including the United States Government, through bi-  
19               lateral or multilateral channels and international or-  
20               ganizations such as INTERPOL;

21               (3) cooperating with other foreign governments  
22               in the investigation and prosecution of terrorists and  
23               foreign fighters;

24               (4) implementing effective border controls or  
25               participates in an existing border-crossing control re-

1       gime that has been determined by the United States  
2       Government to employ effective border-crossing over-  
3       sight;

4             (5) having controls and systems in place to pre-  
5       vent and report upon counterfeiting, forgery, and  
6       fraudulent use or possession of false, stolen, or lost  
7       identity papers and travel documents;

8             (6) collecting air passenger data and employs  
9       evidence-based traveler risk assessment and screen-  
10      ing procedures, including the collection and analysis  
11      of travel data;

12            (7) appropriately screening travelers, including  
13      vetting travelers at air, sea, and land ports of entry,  
14      against counterterrorism and other criminal data-  
15      bases, as appropriate;

16            (8) submitting information to INTERPOL  
17      databases and screening travelers against  
18      INTERPOL databases at ports of entry and exit;

19            (9) establishing and implementing domestic  
20      laws criminalizing material support to foreign ter-  
21      rorist organizations and having the ability and will-  
22      ingness to prosecute cases involving such material  
23      support to foreign terrorist organizations;

24            (10) taking measures to prevent individuals in  
25      its territory from traveling abroad to enlist with or

1 provide material support to foreign terrorist organi-  
2 zations;

3 (11) taking measures to ensure a minimal level  
4 of corruption and likelihood that corruption could  
5 impact the veracity of security and intelligence re-  
6 porting from the country, a minimal likelihood that  
7 such corruption could adversely affect the legitimacy  
8 of national identity papers of the country, and not  
9 sheltering suspects from investigation and prosecu-  
10 tion; and

11 (12) not being classified as a high-risk program  
12 country under section 217(c)(12) of the Immigration  
13 and Nationality Act (8. U.S.C. 1187(c)(12)).

14 (c) SUSPENSION OF ASSISTANCE.—The Secretary of  
15 State, in consultation with the Secretary of Homeland Se-  
16 curity and the heads of other Federal agencies, as appro-  
17 priate, is authorized to suspend nonhumanitarian,  
18 nontrade-related foreign assistance to the government of  
19 any foreign country that is not making significant efforts  
20 to comply with the minimum standards for serious and  
21 sustained efforts to combat terrorist and foreign fighter  
22 travel described in subsection (b).



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

2 No additional funds are authorized to carry out the  
3 requirements of this Act. Such requirements shall be car-  
4 ried out using amounts otherwise authorized.