

114TH CONGRESS  
1ST SESSION

# S. 2377

To defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2015

Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mrs. FEINSTEIN, Mr. REED, Mr. NELSON, Mr. CARPER, Mr. CARDIN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Defeat ISIS and Protect and Secure the United States  
6 Act of 2015”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Subtitle A—National Security Positions

- Sec. 101. United States Coordinator for Strategy to Defeat the Islamic State in Iraq and Syria.
- Sec. 102. Sense of Congress on confirmation by Senate of pending National Security nominations.

Subtitle B—Combating ISIS

- Sec. 111. Findings.
- Sec. 112. Sense of Congress.

Subtitle C—Combating ISIS Financing

- Sec. 121. Sense of Congress on defeating terrorist financing by the Islamic State of Iraq and Syria.
- Sec. 122. Sanctions with respect to financial institutions that engage in certain transactions that benefit the Islamic State of Iraq and Syria.

Subtitle D—Improving Intelligence Sharing With Partners

- Sec. 131. Intelligence sharing relationships.

Subtitle E—Combating Terrorist Recruitment and Propaganda

- Sec. 141. Countering violent extremism.
- Sec. 142. Countering ISIS propaganda.

Subtitle F—Improving European Migrant Screening and Stabilizing Jordan and Lebanon

- Sec. 151. Working with Europe to improve migrant screening.
- Sec. 152. Migrant stability fund for Jordan and Lebanon.

TITLE II—PROTECTING THE HOMELAND

Subtitle A—Reforming the Visa Waiver Program

- Sec. 201. Short title.
- Sec. 202. Electronic passports required for visa waiver program.
- Sec. 203. Information sharing and cooperation by visa waiver program countries.
- Sec. 204. Biometric submission before entry.
- Sec. 205. Visa waiver program administration.

Subtitle B—Keeping Firearms Away From Terrorists

- Sec. 211. Closing the visa waiver program gun loophole.
- Sec. 212. Closing the terrorist gun loophole.

Subtitle C—Strengthening Aviation Security

- Sec. 221. Definitions.

PART I—TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE  
TRAINING AND PROCEDURES

- Sec. 226. Transportation security officer training.

PART II—ACCESS CONTROLS

- Sec. 231. Insider threats.
- Sec. 232. Aviation workers vetting.
- Sec. 233. Infrastructure.
- Sec. 234. Visible deterrent.

PART III—TRANSPORTATION SECURITY ADMINISTRATION INNOVATION AND  
TECHNOLOGY

- Sec. 241. Research.
- Sec. 242. Public-private partnerships.
- Sec. 243. Report.

PART IV—IMPROVING INTERNATIONAL COORDINATION TO TRACK  
TERRORISTS

- Sec. 251. Coordination with international authorities.
- Sec. 252. Sense of Congress on cooperation to track terrorists traveling by air.

Subtitle D—Strengthening Security of Radiological Materials

- Sec. 261. Preventing terrorist access to domestic radiological materials.
- Sec. 262. Strategy for securing high activity radiological sources.
- Sec. 263. Outreach to State and local law enforcement agencies on radiological threats.

Subtitle E—Stopping Homegrown Extremism

- Sec. 271. Authorization of the Office for Community Partnerships of the Department of Homeland Security.
- Sec. 272. Research and evaluation program for domestic radicalization.

Subtitle F—Comprehensive Independent Study of National Cryptography  
Policy

- Sec. 281. Comprehensive independent study of national cryptography policy.

Subtitle G—Law Enforcement Training

- Sec. 291. Law enforcement training for active shooter incidents.
- Sec. 292. Active shooter incident response assistance.
- Sec. 293. Grants to State and local law enforcement agencies for antiterrorism training programs.

1           **TITLE I—DEFEATING ISIS**  
2           **Subtitle A—National Security**  
3           **Positions**

4   **SEC. 101. UNITED STATES COORDINATOR FOR STRATEGY**  
5                   **TO DEFEAT THE ISLAMIC STATE IN IRAQ AND**  
6                   **SYRIA.**

7           (a) DESIGNATION.—Not later than 30 days after  
8 date of the enactment of this Act, the President shall des-  
9 ignate a single coordinator, who shall be responsible for  
10 coordinating all efforts across the Federal Government  
11 and with international partners for defeating the Islamic  
12 State in Iraq and Syria (ISIS) both within the United  
13 States and globally.

14           (b) STATUS.—The coordinator designated under sub-  
15 section (a) shall report to the President.

16           (c) DUTIES.—The coordinator designated under sub-  
17 section (a) shall coordinate all lines of effort, activities,  
18 and programs related to defeating ISIS, including—

19                   (1) coordinating with the Special Presidential  
20                   Envoy to the Global Coalition to Counter ISIL;

21                   (2) coordinating with the Department of De-  
22                   fense and international partners regarding United  
23                   States military operations, training, and equipment  
24                   undertaken to defeat ISIS and to deny ISIS safe  
25                   haven, as appropriate;

1           (3) coordinating with the Department of De-  
2       fense, the Department of State, the intelligence com-  
3       munity (as defined in section 3(4) of the National  
4       Security Act of 1947 (50 U.S.C. 3003(4))), and  
5       international partners regarding United States ef-  
6       forts to build the capacity of local forces in the Mid-  
7       dle East committed to defeating ISIS and rebuilding  
8       Iraq and Syria based on secular, inclusive, and rep-  
9       resentative governance frameworks;

10          (4) coordinating with the Department of State,  
11       the Department of the Treasury, the intelligence  
12       community, and international partners regarding  
13       United States efforts to counter, undermine, and  
14       disrupt ISIS financing;

15          (5) coordinating with the Department of State,  
16       the Department of Homeland Security, the Depart-  
17       ment of Justice, the intelligence community, and  
18       international partners regarding United States ef-  
19       forts to counter, halt, and prevent movement of for-  
20       eign fighters into and out of Iraq and Syria;

21          (6) coordinating with the Department of State,  
22       the United States Agency for International Develop-  
23       ment, and international partners regarding United  
24       States efforts to counter and undermine ISIS mes-  
25       saging and propaganda around the world;



1           (1) the terrorist attacks in November 2015  
2 demonstrate the need for renewed vigilance to pre-  
3 vent an attack on the United States homeland;

4           (2) national security positions throughout the  
5 United States Government are essential to protect  
6 the safety of the American public, and vacancies in  
7 such positions hurt our efforts to combat terrorists;

8           (3) greater global coordination will be required  
9 to defeat the Islamic State of Iraq and Syria (ISIS),  
10 so the Senate should promptly confirm pending  
11 nominations to positions of ambassador in order to  
12 represent United States national security interests  
13 abroad;

14           (4) to assist with negotiations on global anti-  
15 terror efforts, the Secretary of State should have a  
16 full complement of political and career senior advi-  
17 sors, so the Senate should confirm pending nomina-  
18 tions to such positions;

19           (5) intelligence sharing with our allies could  
20 prevent an attack on the United States homeland, so  
21 the Senate should confirm pending nominations to  
22 intelligence positions of the Department of Defense  
23 and in other elements of the intelligence community;

24           (6) service members are on the front lines of  
25 the fight against terror, so the Senate should con-

1 firm pending nominations for promotion in the  
2 Armed Forces;

3 (7) cutting off the money supply for the Islamic  
4 State of Iraq and Syria is a critical part of United  
5 States strategy to defeat the Islamic State of Iraq  
6 and Syria, so the Senate should confirm pending  
7 nominations to positions in the Department of the  
8 Treasury with responsibility for disrupting terrorist  
9 financing networks; and

10 (8) the Senate should confirm the pending  
11 nominations to national security positions described  
12 in this resolution without further delay.

## 13 **Subtitle B—Combating ISIS**

### 14 **SEC. 111. FINDINGS.**

15 Congress makes the following findings:

16 (1) The terrorist organization known as the Is-  
17 lamic State of Iraq and Syria (ISIS) poses a grave  
18 threat to the people and territorial integrity of Iraq  
19 and Syria, to regional stability, and to the national  
20 security interests of the United States and its allies  
21 and partners.

22 (2) ISIS holds significant territory in Iraq and  
23 Syria and is a growing threat in other countries and  
24 has stated its intention to seize more territory and  
25 demonstrated the capability to do so.



1           (3) ISIS has claimed responsibility for or con-  
2           ducted horrific terrorist attacks, including hostage-  
3           taking and killing, in Sousse, Tunisia; Ankara, Tur-  
4           key; the Sinai in Egypt; Beirut, Lebanon; Paris,  
5           France, against a Russian charter plane, and else-  
6           where.

7           (4) ISIS has brutally murdered United States  
8           citizens, as well as citizens of many other countries.

9           (5) ISIS has stated that it intends to conduct  
10          further terrorist attacks internationally, including  
11          against the United States, its citizens, and interests.

12          (6) ISIS has committed despicable acts of vio-  
13          lence and mass executions against Muslims, regard-  
14          less of sect, who do not subscribe to the depraved,  
15          violent, and oppressive ideology of ISIS, and has tar-  
16          geted innocent women and girls with horrific acts of  
17          violence, including abduction, enslavement, torture,  
18          rape, and forced marriage.

19          (7) ISIS has threatened genocide and com-  
20          mitted vicious acts of violence against other religious  
21          and ethnic minority groups, including Iraqi Chris-  
22          tians, Yezidi, and Turkmen populations.

23          (8) ISIS finances its operations primarily  
24          through looting, smuggling, extortion, oil sales, kid-  
25          napping, and human trafficking.

1           (9) As a result of advances by ISIS and the  
2 civil war in Syria, there are more than 4,000,000  
3 refugees, more than 7,500,000 internally displaced  
4 people in Syria, and nearly 3,200,000 internally dis-  
5 placed people in Iraq.

6           (10) President Barack Obama articulated a  
7 multidimensional approach in the campaign to  
8 counter ISIS, including supporting regional military  
9 partners, stopping the flow of foreign fighters, cut-  
10 ting off the access of ISIS to financing, addressing  
11 urgent humanitarian needs, and exposing the true  
12 nature of ISIS.

13           (11) In August 2014, President Obama di-  
14 rected the United States Armed Forces to build and  
15 work with a coalition of partner nations to conduct  
16 airstrikes in Iraq and Syria as part of the com-  
17 prehensive strategy to degrade and defeat ISIS.

18           (12) Since August 2014, United States and co-  
19 alition nation aircraft have flown more than 57,000  
20 sorties in support of operations in Iraq and Syria,  
21 including airstrikes that have destroyed staging  
22 areas, command centers, thousands of armored vehi-  
23 cles, oil and other financing infrastructure, and  
24 other facilities and equipment of ISIS.

1           (13) Coalition airstrikes have killed at least 100  
2 high-value individuals, including a United States  
3 strike against Mohamed Emwazi, known as “Jihadi  
4 John”.

5           (14) ISIS is under pressure from a coalition of  
6 65 nations, which is conducting air strikes, sup-  
7 porting local forces on the ground, and cutting off  
8 financial support to ISIS, thereby evicting ISIS  
9 from as much as a quarter of the territory it pre-  
10 viously controlled.

11 **SEC. 112. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13           (1) the United States condemns the horrific  
14 and cowardly attacks by ISIS, particularly the re-  
15 cent attacks in Tunisia, Turkey, Egypt, Lebanon,  
16 and France;

17           (2) it is critical that the response to ISIS by  
18 the United States and the Anti-ISIS coalition, in-  
19 cluding countries within the region, be multidimen-  
20 sional and consist of coordinated and intensified ef-  
21 forts on intelligence sharing and on the military, ci-  
22 vilian, and humanitarian aspects of the current cam-  
23 paign;

24           (3) ISIS will only be defeated if there are en-  
25 during, inclusive, sustainable political solutions in

1 Iraq and Syria that enable all citizens to realize  
2 their legitimate aspirations;

3 (4) the only path to a sustainable end to the  
4 civil war in Syria is a diplomatic solution that re-  
5 moves Bashar al-Assad;

6 (5) the United States and our coalition partners  
7 must continue to conduct the campaign of airstrikes  
8 against ISIS in both Syria and Iraq to counter ISIS  
9 forces and deny it a safe haven;

10 (6) no matter how effective the air campaign,  
11 defeating ISIS requires reliable, effective, and com-  
12 mitted local forces on the ground in Syria and Iraq  
13 to clear and hold territory retaken from ISIS, in-  
14 cluding continuing to work with Kurds in Syria and  
15 Iraq, Sunnis in Iraq, and the moderate opposition in  
16 Syria;

17 (7) the United States and our coalition partners  
18 must work with local forces in Iraq and Syria to  
19 identify and strike ISIS targets and support local  
20 forces in the fight on the ground;

21 (8) the United States and our coalition partners  
22 must build the capabilities and capacities of our  
23 local partner forces in Syria and Iraq and across the  
24 region to sustain an effective long-term campaign  
25 against ISIS;

1           (9) United States and coalition advisors and  
2           enablers are critical to improving the ability of local  
3           forces to plan, lead, and conduct operations against  
4           ISIS;

5           (10) the United States and our coalition part-  
6           ners must continue to target the leadership of ISIS,  
7           deny it sanctuary and resources to plan, prepare,  
8           and execute attacks, and degrade its command and  
9           control infrastructure, logistical networks, oil and  
10          other revenue networks, and other capabilities;

11          (11) the United States and our coalition part-  
12          ners must work to improve the security of the bor-  
13          ders of Syria and end the flow of new foreign re-  
14          cruits to ISIS, including working with Turkey and  
15          local forces to control the entire Turkey-Syria bor-  
16          der;

17          (12) the United States and our coalition part-  
18          ners must make sure that the commanders on the  
19          ground have the operational flexibility required to  
20          execute the mission against ISIS, particularly re-  
21          lated to the activities of special operations forces in  
22          Syria; and

23          (13) appropriate resources and attention should  
24          be applied to stopping the spread of ISIS and its

1       apocalyptic ideology to other countries and regions,  
2       including North Africa, Afghanistan, and elsewhere.

3                   **Subtitle C—Combating ISIS**  
4                   **Financing**

5   **SEC. 121. SENSE OF CONGRESS ON DEFEATING TERRORIST**  
6                   **FINANCING BY THE ISLAMIC STATE OF IRAQ**  
7                   **AND SYRIA.**

8       It is the sense of Congress that—

9               (1) the United States should—

10                   (A) strongly support coordinated inter-  
11                   national efforts by the G–20, the international  
12                   Financial Action Task Force, the United Na-  
13                   tions, and other appropriate international bod-  
14                   ies to bolster comprehensive programs to target  
15                   and combat terrorist financing by ISIS, and to  
16                   expand international information-sharing re-  
17                   lated to activities of ISIS;

18                   (B) provide necessary funding and support  
19                   for the international Counter-ISIS Financing  
20                   Group and ensure robust information-sharing  
21                   within that Group and among allied countries  
22                   participating in efforts to combat terrorist fi-  
23                   nancing by ISIS;

24                   (C) expand technical assistance, support,  
25                   and guidance to the governments of countries

1 that are allies of the United States and to for-  
2 eign financial institutions in such countries to  
3 enable those governments and institutions to  
4 rapidly expand their capacity—

5 (i) to identify and designate for the  
6 imposition of sanctions persons that are  
7 part of ISIS or that knowingly fund or  
8 otherwise facilitate activities of ISIS;

9 (ii) to identify and disrupt financing  
10 networks used by ISIS and terrorists allied  
11 with ISIS; and

12 (iii) to cut ISIS off completely from  
13 the international financial system;

14 (D) urge governments of countries that are  
15 allies of the United States—

16 (i) to aggressively implement pro-  
17 grams to combat terrorist financing by  
18 ISIS; and

19 (ii) to prosecute, to the fullest extent  
20 of the laws of those countries, persons that  
21 are part of ISIS or that knowingly fund or  
22 otherwise facilitate activities of ISIS and  
23 are within the jurisdiction of those govern-  
24 ments;

1 (E) encourage the governments of all G–20  
2 countries to implement measures with respect  
3 to persons designated as part of ISIS, or as  
4 persons that knowingly fund or otherwise facili-  
5 tate activities of ISIS, by the United States as  
6 of the date of the enactment of this Act, and  
7 to designate promptly and impose sanctions  
8 with respect to such persons under their own  
9 laws;

10 (F) continue to support efforts by the Gov-  
11 ernment of Iraq—

12 (i) to secure the financial system of  
13 Iraq, including banks, exchange houses,  
14 and other similar entities, from ISIS-re-  
15 lated terrorist financing; and

16 (ii) to dismantle and disrupt ISIS ter-  
17 rorist financing networks;

18 (G) continue to disrupt efforts by the Gov-  
19 ernment of Syria—

20 (i) to engage in oil purchases or other  
21 financial transactions with ISIS or affili-  
22 ates or intermediaries of ISIS; or

23 (ii) to engage in extortion or any  
24 other criminal activity that might benefit  
25 ISIS; and



1 (H) seek to expand cooperation among G–  
2 20 and countries that are allies of the United  
3 States to strengthen the protection of antiq-  
4 uities and prevent ISIS from engaging in the  
5 theft, transport, and sale of cultural objects for  
6 the purpose of financing terrorism; and

7 (2) the Senate should promptly approve, on a  
8 bipartisan basis, the nomination, pending on the  
9 date of the enactment of this Act, of the Under Sec-  
10 retary for Terrorism and Financial Crimes of the  
11 Department of the Treasury, who leads the efforts  
12 of the United States to counter terrorist financing  
13 by ISIS.

14 **SEC. 122. SANCTIONS WITH RESPECT TO FINANCIAL INSTI-**  
15 **TUTIONS THAT ENGAGE IN CERTAIN TRANS-**  
16 **ACTIONS THAT BENEFIT THE ISLAMIC STATE**  
17 **OF IRAQ AND SYRIA.**

18 (a) IN GENERAL.—The President may prohibit, or  
19 impose strict conditions on, the opening or maintaining  
20 in the United States of a correspondent account or a pay-  
21 able-through account by a foreign financial institution  
22 that the President determines engages in an activity de-  
23 scribed in subsection (b) on or after the date of the enact-  
24 ment of this Act.

1 (b) ACTIVITIES DESCRIBED.—A foreign financial in-  
2 stitution engages in an activity described in this subsection  
3 if the foreign financial institution—

4 (1) knowingly facilitates a significant trans-  
5 action or transactions for ISIS;

6 (2) knowingly facilitates a significant trans-  
7 action or transactions of a person that is identified  
8 on the specially designated nationals list and the  
9 property and interests in property of which are  
10 blocked pursuant to the International Emergency  
11 Economic Powers Act (50 U.S.C. 1701 et seq.) for  
12 acting on behalf of or at the direction of, or being  
13 owned or controlled by, ISIS;

14 (3) knowingly engages in money laundering to  
15 carry out an activity described in paragraph (1) or  
16 (2); or

17 (4) knowingly facilitates a significant trans-  
18 action or transactions or provides significant finan-  
19 cial services to carry out an activity described in  
20 paragraph (1), (2), or (3).

21 (c) PENALTIES.—The penalties provided for in sub-  
22 sections (b) and (c) of section 206 of the International  
23 Emergency Economic Powers Act (50 U.S.C. 1705) shall  
24 apply to a person that violates, attempts to violate, con-  
25 spires to violate, or causes a violation of regulations pre-

1 scribed under this section to the same extent that such  
2 penalties apply to a person that commits an unlawful act  
3 described in subsection (a) of such section 206.

4 (d) PROCEDURES FOR JUDICIAL REVIEW OF CLASSI-  
5 FIED INFORMATION.—

6 (1) IN GENERAL.—If a finding under this sec-  
7 tion, or a prohibition or condition imposed as a re-  
8 sult of any such finding, is based on classified infor-  
9 mation (as defined in section 1(a) of the Classified  
10 Information Procedures Act (18 U.S.C. App.)) and  
11 a court reviews the finding or the imposition of the  
12 prohibition or condition, the President may submit  
13 such information to the court *ex parte* and *in cam-*  
14 *era*.

15 (2) RULE OF CONSTRUCTION.—Nothing in this  
16 subsection shall be construed to confer or imply any  
17 right to judicial review of any finding under this sec-  
18 tion or any prohibition or condition imposed as a re-  
19 sult of any such finding.

20 (e) IMPLEMENTATION.—The President may exercise  
21 all authorities provided under sections 203 and 205 of the  
22 International Emergency Economic Powers Act (50  
23 U.S.C. 1702 and 1704) to carry out this section.

24 (f) DEFINITIONS.—In this section:

1           (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-  
2 ABLE-THROUGH ACCOUNT.—The terms “account”,  
3 “correspondent account”, and “payable-through ac-  
4 count” have the meanings given those terms in sec-  
5 tion 5318A of title 31, United States Code.

6           (2) FINANCIAL INSTITUTION.—The term “fi-  
7 nancial institution” means a financial institution  
8 specified in subparagraph (A), (B), (C), (D), (E),  
9 (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T),  
10 (Y), or (Z) of section 5312(a)(2) of title 31, United  
11 States Code.

12           (3) FOREIGN FINANCIAL INSTITUTION.—The  
13 term “foreign financial institution” has the meaning  
14 given that term in section 1010.605 of title 31, Code  
15 of Federal Regulations.

16           (4) ISIS.—The term “ISIS” means—

17           (A) the entity known as the Islamic State  
18 of Iraq and Syria and designated by the Sec-  
19 retary of State as a foreign terrorist organiza-  
20 tion pursuant to section 219 of the Immigration  
21 and Nationality Act (8 U.S.C. 1189); or

22           (B) any person—

23           (i) the property or interests in prop-  
24 erty of which are blocked pursuant to the

1 International Emergency Economic Powers  
2 Act (50 U.S.C. 1701 et seq.); and

3 (ii) who is identified on the specially  
4 designated nationals list as an agent, in-  
5 strumentality, or affiliate of the entity de-  
6 scribed in subparagraph (A).

7 (5) MONEY LAUNDERING.—The term “money  
8 laundering” includes the movement of illicit cash or  
9 cash equivalent proceeds into, out of, or through a  
10 country, or into, out of, or through a financial insti-  
11 tution.

12 (6) SPECIALLY DESIGNATED NATIONALS  
13 LIST.—The term “specially designated nationals  
14 list” means the list of specially designated nationals  
15 and blocked persons maintained by the Office of  
16 Foreign Assets Control of the Department of the  
17 Treasury.

## 18 **Subtitle D—Improving Intelligence** 19 **Sharing With Partners**

### 20 **SEC. 131. INTELLIGENCE SHARING RELATIONSHIPS.**

21 (a) REVIEW OF AGREEMENTS.—Not later than 90  
22 days after the date of the enactment of this Act, the Direc-  
23 tor of National Intelligence, in consultation with the Sec-  
24 retary of Defense, shall complete a review of each intel-

1 lligence sharing agreement between the United States and  
2 a foreign country that—

3           (1) is experiencing a significant threat from  
4           ISIS; or

5           (2) is participating as part of the coalition in  
6           activities to degrade and defeat ISIS.

7           (b) INTELLIGENCE SHARING RELATED TO THE IS-  
8 LAMIC STATE.—Not later than 90 days after the date that  
9 the Director of National Intelligence completes the reviews  
10 required by subsection (a), the Director shall develop an  
11 intelligence sharing agreement between the United States  
12 and each foreign country referred to in subsection (a)  
13 that—

14           (1) applies to the sharing of intelligence related  
15           to defensive or offensive measures to be taken with  
16           respect to ISIS; and

17           (2) provides for the maximum amount of shar-  
18           ing of such intelligence, as appropriate, in a manner  
19           that is consistent with the due regard for the protec-  
20           tion of intelligence sources and methods, protection  
21           of human rights, and the ability of recipient nations  
22           to utilize intelligence for targeting purposes con-  
23           sistent with the laws of armed conflict.

1     **Subtitle E—Combating Terrorist**  
2     **Recruitment and Propaganda**

3     **SEC. 141. COUNTERING VIOLENT EXTREMISM.**

4           (a) IN GENERAL.—The President, in collaboration  
5 with the Secretary of State and the Administrator of the  
6 United States Agency for International Development, shall  
7 design, implement, and evaluate programs to counter vio-  
8 lent extremism abroad by—

9                   (1) strengthening inclusive governance in nation  
10           states whose stability and legitimacy are threatened  
11           by ISIS and other violent extremist groups;

12                   (2) creating mechanisms for women, teenagers  
13           and other marginalized groups, including potential  
14           and former violent extremists, to participate in de-  
15           signing and implementing such programs in coordi-  
16           nation with local and national government officials;

17                   (3) addressing the drivers of grievances that  
18           lead to violent extremism, such as corruption, injus-  
19           tice, marginalization, and abuse, through program-  
20           ming and reforms focused on—

21                           (A) good governance and anti-corruption;

22                           (B) civic engagement;

23                           (C) citizen participation in governance;

24                           (D) adherence to the rule of law;

25                           (E) opportunities for women and girls; and

1 (F) freedom of expression;

2 (4) strengthening law enforcement training pro-  
3 grams that foster dialogue and engagement between  
4 security forces and the public around drivers of  
5 grievance; and

6 (5) strengthening the capacity of civil society  
7 organizations to combat radicalization and other  
8 forms of violence in local communities.

9 (b) PROMOTING YOUTH LEADERSHIP.—Programs  
10 established under this section shall prioritize youth en-  
11 gagement to prevent and counter violent extremism, in-  
12 cluding youth-led messaging campaigns—

13 (1) to delegitimize the appeal of violent extre-  
14 mism;

15 (2) to engage communities and populations to  
16 prevent violent extremist radicalization and recruit-  
17 ment;

18 (3) to counter the radicalization of youth;

19 (4) to promote rehabilitation and reintegration  
20 programs for potential and former violent extrem-  
21 ists, including prison-based programs; and

22 (5) to support long-term efforts to promote tol-  
23 erance, coexistence and equity.



1 (c) AUTHORIZATION OF APPROPRIATIONS.—For the  
2 purpose of carrying out this section, there is authorized  
3 to be appropriated—

4 (1) for the Department of State, \$200,000,000  
5 for fiscal year 2017 and \$250,000,000 for fiscal  
6 year 2018; and

7 (2) for the United States Agency for Inter-  
8 national Development, \$100,000,000 for fiscal year  
9 2017 and \$125,000,000 for fiscal year 2018.

10 (d) ASSISTANCE FOR FRAGILE NATION STATES.—  
11 The Secretary of State shall make existing counterter-  
12 rorism funding available for programs that strengthen  
13 governance and security in fragile nation states that share  
14 a border with a country that ISIS or other violent extrem-  
15 ists have threatened to destabilize or delegitimize.

16 **SEC. 142. COUNTERING ISIS PROPAGANDA.**

17 (a) COMPREHENSIVE STRATEGY TO COUNTER ISIS  
18 PROPAGANDA.—The President, in consultation with tech-  
19 nology companies, faith-based Muslim groups, foreign gov-  
20 ernments, and international nongovernmental organiza-  
21 tions, shall develop, as part of the National Strategy for  
22 Counterterrorism, a comprehensive strategy to counter the  
23 propaganda disseminated by operatives of ISIS, including  
24 through online activities.

1           (b) INCREASED USE OF EFFECTIVE MEDIA  
2 TOOLS.—The Under Secretary of State for Public Diplo-  
3 macy, through the Center for Strategic Counterterrorism  
4 Communications (referred to in this section as the “Cen-  
5 ter”), is authorized to contract to produce media products  
6 to counter ISIS propaganda.

7           (c) DIGITAL PLATFORM DEVELOPMENT TEAM.—The  
8 Under Secretary of State for Public Diplomacy, through  
9 the Center, shall establish a digital rapid response team—

10           (1) to build and employ digital platforms for  
11 the dissemination of information to counter ISIS  
12 propaganda; and

13           (2) to integrate the platforms described in para-  
14 graph (1) with existing technologies supported by  
15 the Bureau of International Information Programs  
16 and with popular social networking sites.

17           (d) AUTHORIZATION OF APPROPRIATIONS.—For the  
18 purpose of carrying out this section, there is authorized  
19 to be appropriated to the Department of State  
20 \$25,000,000 for fiscal year 2017 and \$30,000,000 for fis-  
21 cal year 2018.

1 **Subtitle F—Improving European**  
2 **Migrant Screening and Stabi-**  
3 **lizing Jordan and Lebanon**

4 **SEC. 151. WORKING WITH EUROPE TO IMPROVE MIGRANT**  
5 **SCREENING.**

6 The President, in consultation with the heads of rel-  
7 evant Federal agencies, is authorized to provide requested  
8 technical and operational assistance for the European  
9 Union and its member states, including assistance—

10 (1) to improve border management, including  
11 the screening of migrants;

12 (2) to increase capacity for refugee reception  
13 and processing in transit countries, especially in the  
14 Western Balkans; and

15 (3) to enhance intelligence sharing with Euro-  
16 pean Union member states and Europol regarding  
17 criminal human trafficking, smuggling networks,  
18 and foreign fighters identification and movement.

19 **SEC. 152. MIGRANT STABILITY FUND FOR JORDAN AND**  
20 **LEBANON.**

21 (a) INTERNATIONAL DISASTER ASSISTANCE.—In ad-  
22 dition to amounts otherwise authorized to be appropriated  
23 for such purposes, there is authorized to be appropriated  
24 to the International Disaster Assistance account,  
25 \$525,000,000, which shall remain available until ex-

1 pended, for emergency and life-saving assistance, includ-  
2 ing for the care of internally displaced persons within  
3 Syria and Iraq and to mitigate the outflow of refugees  
4 to Lebanon, Jordan, and elsewhere and other locations  
5 designated by the Secretary of State.

6 (b) MIGRATION AND REFUGEE ASSISTANCE.—In ad-  
7 dition to amounts otherwise authorized to be appropriated  
8 for such purposes, there is authorized to be appropriated  
9 to the Migration and Refugee Assistance account,  
10 \$545,000,000, which shall remain available until ex-  
11 pended, for necessary expenses to respond to the refugee  
12 crisis resulting from conflict in the Middle East, including  
13 for the basic needs of refugees in Lebanon, Jordan, and  
14 elsewhere as well as the costs associated with the resettle-  
15 ment of refugees in the United States and the secure  
16 screening of refugee applications.

17 (c) EMERGENCY REFUGEE AND MIGRATION ASSIST-  
18 ANCE.—In addition to amounts otherwise authorized to be  
19 appropriated for such purposes, there is authorized to be  
20 appropriated to the Emergency Refugee and Migration  
21 Assistance account, \$200,000,000, which shall remain  
22 available until expended, for unexpected urgent overseas  
23 refugee and migration needs in accordance with section  
24 2(c) of the Migration and Refugee Assistance Act of 1962  
25 (22 U.S.C. 2601(c)).

1 (d) TRANSFER OF FUNDS.—

2 (1) IN GENERAL.—The Secretary of State may  
3 transfer amounts authorized to be appropriated by  
4 this Act between accounts and to other relevant Fed-  
5 eral agencies—

6 (A) to optimize assistance to refugees; and

7 (B) to ensure the secure screening of refu-  
8 gees seeking resettlement in the United States.

9 (2) CONSULTATION AND NOTIFICATION RE-  
10 QUIREMENTS.—Each transfer authorized under  
11 paragraph (1) shall be subject to prior consultation  
12 with, and the regular notification procedures of, the  
13 Committee on Appropriations of the Senate and the  
14 Committee on Appropriations of the House of Rep-  
15 resentatives.

16 (3) RETURN OF UNNEEDED FUNDS.—If the  
17 Secretary of State, in consultation with the head of  
18 any Federal agency receiving funds transferred pur-  
19 suant to this subsection, determines that any portion  
20 of such funds are no longer needed to meet the pur-  
21 poses of such transfer, the head of such agency shall  
22 return such funds to the account from where they  
23 originated.

1           **TITLE II—PROTECTING THE**  
2                           **HOMELAND**  
3           **Subtitle A—Reforming the Visa**  
4                           **Waiver Program**

5   **SEC. 201. SHORT TITLE.**

6           This subtitle may be cited as the “Visa Waiver Pro-  
7   gram Security Enhancement Act”.

8   **SEC. 202. ELECTRONIC PASSPORTS REQUIRED FOR VISA**  
9                           **WAIVER PROGRAM.**

10           (a) REQUIRING THE UNIVERSAL USE OF ELEC-  
11   TRONIC PASSPORTS FOR VISA WAIVER PROGRAM COUN-  
12   TRIES.—

13                   (1) IN GENERAL.—Section 217 of the Immigra-  
14   tion and Nationality Act (8 U.S.C. 1187) is amend-  
15   ed—

16                           (A) in subsection (a), by amending para-  
17   graph (3) to read as follows:

18                           “(3) MACHINE-READABLE, ELECTRONIC PASS-  
19   PORT.—The alien, at the time of application for ad-  
20   mission, is in possession of a valid, unexpired, tam-  
21   per-resistant, machine-readable passport that incor-  
22   porates biometric and document authentication iden-  
23   tifiers that comply with the applicable biometric and  
24   document identifying standards established by the  
25   International Civil Aviation Organization.”; and

1 (B) in subsection (c)(2), by amending sub-  
2 paragraph (B) to read as follows:

3 “(B) MACHINE-READABLE, ELECTRONIC  
4 PASSPORT PROGRAM.—The government of the  
5 country certifies that it issues to its citizens  
6 machine-readable, electronic passports that  
7 comply with the requirements set forth in sub-  
8 section (a)(3).”.

9 (2) EFFECTIVE DATE.—The amendments made  
10 by paragraph (1) shall take effect on the date that  
11 is 90 days after the date of the enactment of this  
12 Act.

13 (3) CERTIFICATION REQUIREMENT.—Section  
14 303(c) of the Enhanced Border Security and Visa  
15 Entry Reform Act of 2002 (8 U.S.C. 1732(c)) is  
16 amended—

17 (A) in paragraph (1), by striking “Not  
18 later than October 26, 2005, the” and inserting  
19 “The”; and

20 (B) by amending paragraph (2) to read as  
21 follows:

22 “(2) USE OF TECHNOLOGY STANDARD.—Any  
23 alien applying for admission under the visa waiver  
24 program established under section 217 of the Immi-  
25 gration and Nationality Act (8 U.S.C. 1187) shall

1 present a passport that meets the requirements de-  
2 scribed in paragraph (1).”.

3 **SEC. 203. INFORMATION SHARING AND COOPERATION BY**  
4 **VISA WAIVER PROGRAM COUNTRIES.**

5 (a) **REQUIRED INFORMATION SHARING FOR VISA**  
6 **WAIVER PROGRAM COUNTRIES.—**

7 (1) **INFORMATION SHARING AGREEMENTS.—**

8 (A) **FULL IMPLEMENTATION.—**Section  
9 217(c)(2)(F) of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1187(c)(2)(F)) is amended  
11 by inserting “, and fully implements within the  
12 time frame determined by the Secretary of  
13 Homeland Security,” after “country enters  
14 into”.

15 (B) **FEDERAL AIR MARSHAL AGREE-**  
16 **MENT.—**Section 217(c) of such Act is amend-  
17 ed—

18 (i) in paragraph (2), by adding at the  
19 end the following:

20 “(G) **FEDERAL AIR MARSHAL AGREE-**  
21 **MENT.—**The government of the country enters  
22 into, and complies with, an agreement with the  
23 United States to assist in the operation of an  
24 effective air marshal program.



1           “(H) AVIATION STANDARDS.—The govern-  
2           ment of the country complies with United  
3           States aviation and airport security standards,  
4           as determined by the Secretary of Homeland  
5           Security.”; and

6                   (ii) in paragraph (9)—

7                           (I) by striking subparagraph (B);

8                           and

9                           (II) by redesignating subpara-  
10                          graphs (C) and (D) as subparagraphs  
11                          (B) and (C), respectively.

12           (C) FAILURE TO FULLY IMPLEMENT IN-  
13           FORMATION SHARING AGREEMENT.—Section  
14           217(c)(5) of such Act (8 U.S.C. 1187(c)(5)) is  
15           amended—

16                   (i) by redesignating subparagraph (C)  
17                   as subparagraph (D); and

18                   (ii) by inserting after subparagraph  
19                   (B) the following:

20                   “(C) FAILURE TO FULLY IMPLEMENT IN-  
21                   FORMATION SHARING AGREEMENT.—

22                           “(i) DETERMINATION.—If the Sec-  
23                           retary of Homeland Security, in consulta-  
24                           tion with the Secretary of State, deter-  
25                           mines that the government of a program

1 country has failed to fully implement the  
2 agreements set forth in paragraph (2)(F),  
3 the country shall be terminated as a pro-  
4 gram country.

5 “(ii) REDESIGNATION.—Not sooner  
6 than 90 days after the Secretary of Home-  
7 land Security, in consultation with the Sec-  
8 retary of State, determines that a country  
9 that has been terminated as a program  
10 country pursuant to clause (i) is now in  
11 compliance with the requirement set forth  
12 in paragraph (2)(F), the Secretary of  
13 Homeland Security may redesignate such  
14 country as a program country.”.

15 (2) ADVANCE PASSENGER INFORMATION EAR-  
16 LIER THAN 1 HOUR BEFORE ARRIVAL.—

17 (A) IN GENERAL.—Section 217(a)(10) of  
18 such Act (8 U.S.C. 1187(a)(10)) is amended by  
19 striking “not less than one hour prior to ar-  
20 rival” and inserting “as soon as practicable, but  
21 not later than 1 hour before arriving”.

22 (B) TECHNICAL AMENDMENT.—Section  
23 217(c)(3) of such Act is amended, in the matter  
24 preceding subparagraph (A), by striking “the

1           initial period—” and inserting “fiscal year  
2           1989:”.

3           (b) FACTORS THE DEPARTMENT OF HOMELAND SE-  
4           CURITY SHALL CONSIDER FOR VISA WAIVER COUN-  
5           TRIES.—

6           (1) CONSIDERATION OF COUNTRY’S CAPACITY  
7           TO IDENTIFY DANGEROUS INDIVIDUALS.—Section  
8           217(c)(4) of the Immigration and Nationality Act (8  
9           U.S.C. 1187(c)(4)), is amended to read as follows:

10           “(4) REQUIRED SECURITY CONSIDERATIONS  
11           FOR PROGRAM DESIGNATION AND CONTINUATION.—

12           In determining whether a country should be des-  
13           ignated as a program country or whether a program  
14           country should retain its designation as a program  
15           country, the Secretary of Homeland Security shall  
16           consider the following:

17           “(A) CAPACITY TO COLLECT, ANALYZE,  
18           AND SHARE DATA CONCERNING DANGEROUS IN-  
19           DIVIDUALS.—Whether the government of the  
20           country—

21           “(i) collects and analyzes the informa-  
22           tion described in subsection (a)(10), in-  
23           cluding advance passenger information and  
24           passenger name records, and similar infor-  
25           mation pertaining to flights not bound for

1 the United States, to identify potentially  
2 dangerous individuals who may attempt to  
3 travel to the United States; and

4 “(ii) shares such information and the  
5 results of such analyses with the Govern-  
6 ment of the United States.

7 “(B) SCREENING OF TRAVELER PASS-  
8 PORTS.—Whether the government of the coun-  
9 try—

10 “(i) regularly screens passports of air  
11 travelers against INTERPOL’s global  
12 database of Stolen and Lost Travel Docu-  
13 ments before allowing such travelers to  
14 enter or board a flight arriving in or de-  
15 parting from that country, including a  
16 flight destined for the United States; and

17 “(ii) regularly and promptly shares in-  
18 formation concerning lost or stolen travel  
19 documents with INTERPOL.

20 “(C) BIOMETRIC EXCHANGES.—Whether  
21 the government of the country, in addition to  
22 meeting the mandatory qualifications set forth  
23 in paragraph (2)—

24 “(i) collects and analyzes biometric  
25 and other information about individuals

1 other than United States nationals who are  
2 applying for asylum, refugee status, or an-  
3 other form of nonrefoulement protection in  
4 such country; and

5 “(ii) shares the information and the  
6 results of such analyses with the Govern-  
7 ment of the United States.

8 “(D) INFORMATION SHARING ABOUT FOR-  
9 EIGN TERRORIST FIGHTERS.—Whether the gov-  
10 ernment of the country shares intelligence  
11 about foreign fighters with the United States  
12 and with multilateral organizations, such as  
13 INTERPOL and EUROPOL.”.

14 (2) FAILURE TO REPORT STOLEN PASS-  
15 PORTS.—Section 217(f)(5) of such Act is amended  
16 by inserting “frequently and promptly” before “re-  
17 porting the theft”.

18 **SEC. 204. BIOMETRIC SUBMISSION BEFORE ENTRY.**

19 (a) DEMONSTRATION PROGRAM FOR COLLECTION OF  
20 BIOMETRIC INFORMATION.—

21 (1) INITIATION.—Not later than 6 months after  
22 the date of the enactment of this Act, the Secretary  
23 of Homeland Security shall initiate a demonstration  
24 program to conduct the advance verification of bio-  
25 metric data from a random sample of aliens entering

1 the United States under the visa waiver program es-  
2 tablished under section 217(a) of the Immigration  
3 and Nationality Act (8 U.S.C. 1187(a)) that con-  
4 siders the factors set out in paragraph (2).

5 (2) FACTORS.—In carrying out the demonstra-  
6 tion program initiated under paragraph (1), the Sec-  
7 retary shall consider—

8 (A) how to verify biometric data through a  
9 standardized and reliable process or means by  
10 which an applicant under the visa waiver pro-  
11 gram may submit biometric information with  
12 relatively limited expense to the applicant;

13 (B) how to ensure necessary quality of bio-  
14 metric information data verified prior to travel  
15 to minimize false positive matches upon an ap-  
16 plicant's seeking admission at a United States  
17 port of entry;

18 (C) how to verify biometric information  
19 from an applicant in a manner that confirms  
20 the identity of the applicant and prevents, to  
21 the greatest extent practicable, the fraudulent  
22 use of a person's identity; and

23 (D) other elements the Secretary deter-  
24 mines are necessary to create a scalable and re-

1           liable means of biometric information  
2           verification for the visa waiver program.

3           (3) COMPLETION.—The demonstration program  
4           initiated under paragraph (1) shall be completed not  
5           later than 15 months after the date of the enact-  
6           ment of this Act.

7   **SEC. 205. VISA WAIVER PROGRAM ADMINISTRATION.**

8           Section 217(h)(3)(B) of the Immigration and Nation-  
9   ality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

10           (1) in clause (i), by amending subclause (II) to  
11           read as follows:

12                                   “(II) an amount to ensure recov-  
13                                   ery of the full costs of providing and  
14                                   administering the System and imple-  
15                                   menting the improvements to the pro-  
16                                   gram provided in the Visa Waiver  
17                                   Program Security Enhancement  
18                                   Act.”; and

19           (2) by amending clause (ii) to read as follows:

20                                   “(ii) DISPOSITION OF AMOUNTS COL-  
21                                   LECTED.—Amounts collected under clause  
22                                   (i)(I) shall be credited to the Travel Pro-  
23                                   motion Fund established under subsection  
24                                   (d) of the Trade Promotion Act of 2009  
25                                   (22 U.S.C. 2131(d)). Amounts collected

1 under clause (i)(II) shall be transferred to  
2 the general fund of the Treasury and made  
3 available to pay the costs incurred to ad-  
4 minister the System and the improvements  
5 made by the Visa Waiver Program Secu-  
6 rity Enhancement Act. The portion of the  
7 fee collected under clause (i)(II) to recover  
8 the costs of implementing such improve-  
9 ments may only be used for that pur-  
10 pose.”.

## 11 **Subtitle B—Keeping Firearms** 12 **Away From Terrorists**

### 13 **SEC. 211. CLOSING THE VISA WAIVER PROGRAM GUN LOOP-** 14 **HOLE.**

15 Section 922 of title 18, United States Code, is  
16 amended—

17 (1) in subsection (d)(5)(B), by inserting “or  
18 pursuant to the visa waiver program established  
19 under section 217(a) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1187(a))” before the semi-  
21 colon at the end;

22 (2) in subsection (g)(5)(B), by inserting “or  
23 pursuant to the visa waiver program established  
24 under section 217(a) of the Immigration and Na-



1 tionality Act (8 U.S.C. 1187(a))” before the semi-  
2 colon at the end; and

3 (3) in subsection (y)—

4 (A) in the subsection heading, by inserting  
5 “OR PURSUANT TO THE VISA WAIVER PRO-  
6 GRAM” after “VISAS”;

7 (B) in paragraph (2), in the matter pre-  
8 ceding subparagraph (A), by striking “visa,”  
9 and inserting “visa or pursuant to the visa  
10 waiver program established under section  
11 217(a) of the Immigration and Nationality Act  
12 (8 U.S.C. 1187(a)),”; and

13 (C) in paragraph (3)(A), in the matter  
14 preceding clause (i), by inserting “or pursuant  
15 to the visa waiver program established under  
16 section 217(a) of the Immigration and Nation-  
17 ality Act (8 U.S.C. 1187(a))” after “visa”.

18 **SEC. 212. CLOSING THE TERRORIST GUN LOOPHOLE.**

19 (a) STANDARD FOR EXERCISING ATTORNEY GEN-  
20 ERAL DISCRETION REGARDING TRANSFERRING FIRE-  
21 ARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS  
22 TERRORISTS.—Chapter 44 of title 18, United States  
23 Code, is amended—

24 (1) by inserting after section 922 the following:

1 **“§ 922A. Attorney General’s discretion to deny trans-**  
2 **fer of a firearm**

3 “The Attorney General may deny the transfer of a  
4 firearm under section 922(t)(1)(B)(ii) of this title if the  
5 Attorney General—

6 “(1) determines that the transferee is known  
7 (or appropriately suspected) to be or have been en-  
8 gaged in conduct constituting, in preparation for, in  
9 aid of, or related to terrorism, or providing material  
10 support or resources for terrorism; and

11 “(2) has a reasonable belief that the prospective  
12 transferee may use a firearm in connection with ter-  
13 rorism.

14 **“§ 922B. Attorney General’s discretion regarding ap-**  
15 **plicants for firearm permits which would**  
16 **qualify for the exemption provided under**  
17 **section 922(t)(3)**

18 “The Attorney General may determine that—

19 “(1) an applicant for a firearm permit which  
20 would qualify for an exemption under section  
21 922(t)(3) is known (or appropriately suspected) to  
22 be or have been engaged in conduct constituting, in  
23 preparation for, in aid of, or related to terrorism, or  
24 providing material support or resources for ter-  
25 rorism; and

1           “(2) the Attorney General has a reasonable be-  
2           lief that the applicant may use a firearm in connec-  
3           tion with terrorism.”;

4           (2) in section 921(a), by adding at the end the  
5           following:

6           “(36) The term ‘terrorism’ includes inter-  
7           national terrorism and domestic terrorism, as de-  
8           fined in section 2331 of this title.

9           “(37) The term ‘material support or resources’  
10          has the meaning given the term in section 2339A of  
11          this title.

12          “(38) The term ‘responsible person’ means an  
13          individual who has the power, directly or indirectly,  
14          to direct or cause the direction of the management  
15          and policies of the applicant or licensee pertaining to  
16          firearms.”; and

17          (3) in the table of sections, by inserting after  
18          the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits  
which would qualify for the exemption provided under section  
922(t)(3).”.

19          (b) EFFECT OF ATTORNEY GENERAL DISCRE-  
20          TIONARY DENIAL THROUGH THE NATIONAL INSTANT  
21          CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON  
22          FIREARMS PERMITS.—Section 922(t) of title 18, United  
23          States Code, is amended—

1           (1) in paragraph (1)(B)(ii), by inserting “or  
2 State law, or that the Attorney General has deter-  
3 mined to deny the transfer of a firearm pursuant to  
4 section 922A of this title” before the semicolon;

5           (2) in paragraph (2), in the matter preceding  
6 subparagraph (A), by inserting “, or if the Attorney  
7 General has not determined to deny the transfer of  
8 a firearm pursuant to section 922A of this title”  
9 after “or State law”;

10          (3) in paragraph (3)—

11           (A) in subparagraph (A)—

12           (i) in clause (i)—

13           (I) in subclause (I), by striking

14           “and” at the end; and

15           (II) by adding at the end the fol-

16           lowing:

17           “(III) was issued after a check of the sys-  
18 tem established pursuant to paragraph (1);”;

19           (ii) in clause (ii), by inserting “and”

20           after the semicolon; and

21           (iii) by adding at the end the fol-

22           lowing:

23           “(iii) the State issuing the permit agrees to  
24 deny the permit application if such other person is

1 the subject of a determination by the Attorney Gen-  
2 eral pursuant to section 922B of this title;”;

3 (4) in paragraph (4), by inserting “, or if the  
4 Attorney General has not determined to deny the  
5 transfer of a firearm pursuant to section 922A of  
6 this title” after “or State law”; and

7 (5) in paragraph (5), by inserting “, or if the  
8 Attorney General has determined to deny the trans-  
9 fer of a firearm pursuant to section 922A of this  
10 title” after “or State law”.

11 (c) UNLAWFUL SALE OR DISPOSITION OF FIREARM  
12 BASED UPON ATTORNEY GENERAL DISCRETIONARY DE-  
13 NIAL.—Section 922(d) of title 18, United States Code, is  
14 amended—

15 (1) in paragraph (8), by striking “or” at the  
16 end;

17 (2) in paragraph (9), by striking the period at  
18 the end and inserting “; or”; and

19 (3) by adding at the end the following:

20 “(10) has been the subject of a determination  
21 by the Attorney General under section 922A, 922B,  
22 923(d)(3), or 923(e) of this title.”.

23 (d) ATTORNEY GENERAL DISCRETIONARY DENIAL  
24 AS PROHIBITOR.—Section 922(g) of title 18, United  
25 States Code, is amended—

1           (1) in paragraph (8), by striking “or” at the  
2           end;

3           (2) in paragraph (9), by striking the comma at  
4           the end and inserting “; or”; and

5           (3) by inserting after paragraph (9) the fol-  
6           lowing:

7           “(10) who has received actual notice of the At-  
8           torney General’s determination made under section  
9           922A, 922B, 923(d)(3) or 923(e) of this title.”.

10          (e) ATTORNEY GENERAL DISCRETIONARY DENIAL  
11          OF FEDERAL FIREARMS LICENSES.—Section 923(d) of  
12          title 18, United States Code, is amended—

13           (1) in paragraph (1), in the matter preceding  
14           subparagraph (A), by striking “Any” and inserting  
15           “Except as provided in paragraph (3), any”; and

16           (2) by adding at the end the following:

17           “(3) The Attorney General may deny a license appli-  
18           cation if the Attorney General determines that the appli-  
19           cant (including any responsible person) is known (or ap-  
20           propriately suspected) to be or have been engaged in con-  
21           duct constituting, in preparation for, in aid of, or related  
22           to terrorism, or providing material support or resources  
23           for terrorism, and the Attorney General has a reasonable  
24           belief that the applicant may use a firearm in connection  
25           with terrorism.”.

1 (f) DISCRETIONARY REVOCATION OF FEDERAL FIRE-  
2 ARMS LICENSES.—Section 923(e) of title 18, United  
3 States Code, is amended—

4 (1) by inserting “(1)” after “(e)”;

5 (2) by striking “revoke any license” and insert-  
6 ing the following: “revoke—

7 “(A) any license”;

8 (3) by striking “. The Attorney General may,  
9 after notice and opportunity for hearing, revoke the  
10 license” and inserting the following: “;

11 “(B) the license”; and

12 (4) by striking “. The Secretary’s action” and  
13 inserting the following: “; or

14 “(C) any license issued under this section if the  
15 Attorney General determines that the holder of such  
16 license (including any responsible person) is known  
17 (or appropriately suspected) to be or have been en-  
18 gaged in conduct constituting, in preparation for, in  
19 aid of, or related to terrorism or providing material  
20 support or resources for terrorism, and the Attorney  
21 General has a reasonable belief that the applicant  
22 may use a firearm in connection with terrorism.

23 “(2) The Attorney General’s action”.

1 (g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD  
2 INFORMATION IN FIREARMS LICENSE DENIAL AND REV-  
3 OCATION SUIT.—

4 (1) IN GENERAL.—Section 923(f)(1) of title 18,  
5 United States Code, is amended by inserting after  
6 the first sentence the following: “However, if the de-  
7 nial or revocation is pursuant to subsection (d)(3) or  
8 (e)(1)(C), any information upon which the Attorney  
9 General relied for this determination may be with-  
10 held from the petitioner, if the Attorney General de-  
11 termines that disclosure of the information would  
12 likely compromise national security.”.

13 (2) SUMMARIES.—Section 923(f)(3) of title 18,  
14 United States Code, is amended by inserting after  
15 the third sentence the following: “With respect to  
16 any information withheld from the aggrieved party  
17 under paragraph (1), the United States may submit,  
18 and the court may rely upon, summaries or redacted  
19 versions of documents containing information the  
20 disclosure of which the Attorney General has deter-  
21 mined would likely compromise national security.”.

22 (h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD  
23 INFORMATION IN RELIEF FROM DISABILITIES LAW-  
24 SUITS.—Section 925(c) of title 18, United States Code,  
25 is amended by inserting after the third sentence the fol-



1 lowing: “If the person is subject to a disability under sec-  
 2 tion 922(g)(10) of this title, any information which the  
 3 Attorney General relied on for this determination may be  
 4 withheld from the applicant if the Attorney General deter-  
 5 mines that disclosure of the information would likely com-  
 6 promise national security. In responding to the petition,  
 7 the United States may submit, and the court may rely  
 8 upon, summaries or redacted versions of documents con-  
 9 taining information the disclosure of which the Attorney  
 10 General has determined would likely compromise national  
 11 security.”.

12 (i) PENALTIES.—Section 924(k) of title 18, United  
 13 States Code, is amended—

14 (1) in paragraph (2), by striking “or” at the  
 15 end;

16 (2) in paragraph (3), by striking the comma at  
 17 the end and inserting “; or”; and

18 (3) by inserting after paragraph (3) the fol-  
 19 lowing:

20 “(4) constitutes an act of terrorism, or pro-  
 21 viding material support or resources for terrorism,”.

22 (j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM  
 23 OR FIREARM PERMIT EXEMPTION.—

24 (1) IN GENERAL.—Section 925A of title 18,  
 25 United States Code, is amended—

1 (A) in the section heading, by striking  
2 **“Remedy for erroneous denial of fire-**  
3 **arm”** and inserting **“Remedies”**;

4 (B) by striking “Any person denied a fire-  
5 arm pursuant to subsection (s) or (t) of section  
6 922” and inserting the following:

7 “(a) Except as provided in subsection (b), any person  
8 denied a firearm pursuant to subsection (t) of section 922  
9 or a firearm permit pursuant to a determination made  
10 under section 922B”; and

11 (C) by adding at the end the following:

12 “(b) In any case in which the Attorney General has  
13 denied the transfer of a firearm to a prospective transferee  
14 pursuant to section 922A of this title or has made a deter-  
15 mination regarding a firearm permit applicant pursuant  
16 to section 922B of this title, an action challenging the de-  
17 termination may be brought against the United States.  
18 The petition shall be filed not later than 60 days after  
19 the petitioner has received actual notice of the Attorney  
20 General’s determination under section 922A or 922B of  
21 this title. The court shall sustain the Attorney General’s  
22 determination upon a showing by the United States by a  
23 preponderance of evidence that the Attorney General’s de-  
24 termination satisfied the requirements of section 922A or  
25 922B, as the case may be. To make this showing, the

1 United States may submit, and the court may rely upon,  
2 summaries or redacted versions of documents containing  
3 information the disclosure of which the Attorney General  
4 has determined would likely compromise national security.  
5 Upon request of the petitioner or the court’s own motion,  
6 the court may review the full, undisclosed documents ex  
7 parte and in camera. The court shall determine whether  
8 the summaries or redacted versions, as the case may be,  
9 are fair and accurate representations of the underlying  
10 documents. The court shall not consider the full, undis-  
11 closed documents in deciding whether the Attorney Gen-  
12 eral’s determination satisfies the requirements of section  
13 922A or 922B.”.

14 (2) TECHNICAL AND CONFORMING AMEND-  
15 MENT.—The table of sections for chapter 44 of title  
16 18, United States Code, is amended by striking the  
17 item relating to section 925A and inserting the fol-  
18 lowing:

“925A. Remedies.”.

19 (k) PROVISION OF GROUNDS UNDERLYING INELIGI-  
20 BILITY DETERMINATION BY THE NATIONAL INSTANT  
21 CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103  
22 of the Brady Handgun Violence Prevention Act (18 U.S.C.  
23 922 note) is amended—

24 (1) in subsection (f)—

1 (A) by inserting “or the Attorney General  
2 has made a determination regarding an appli-  
3 cant for a firearm permit pursuant to section  
4 922B of title 18, United States Code,” after “is  
5 ineligible to receive a firearm”; and

6 (B) by inserting “except any information  
7 for which the Attorney General has determined  
8 that disclosure would likely compromise na-  
9 tional security,” after “reasons to the indi-  
10 vidual,”; and

11 (2) in subsection (g)—

12 (A) the first sentence—

13 (i) by inserting “or if the Attorney  
14 General has made a determination pursu-  
15 ant to section 922A or 922B of title 18,  
16 United States Code,” after “or State  
17 law,”; and

18 (ii) by inserting “, except any infor-  
19 mation for which the Attorney General has  
20 determined that disclosure would likely  
21 compromise national security” before the  
22 period at the end; and

23 (B) by adding at the end the following:  
24 “Any petition for review of information with-  
25 held by the Attorney General under this sub-

1 section shall be made in accordance with section  
2 925A of title 18, United States Code.”.

3 (l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES  
4 BASED UPON ATTORNEY GENERAL DISCRETIONARY DE-  
5 NIAL.—Section 842(d) of title 18, United States Code, is  
6 amended—

7 (1) in paragraph (9), by striking the period and  
8 inserting “; or”; and

9 (2) by adding at the end the following:

10 “(10) has received actual notice of the Attorney  
11 General’s determination made pursuant to sub-  
12 section (j) or (d)(1)(B) of section 843 of this title.”.

13 (m) ATTORNEY GENERAL DISCRETIONARY DENIAL  
14 AS PROHIBITOR.—Section 842(i) of title 18, United States  
15 Code, is amended—

16 (1) in paragraph (7), by inserting “; or” at the  
17 end; and

18 (2) by inserting after paragraph (7) the fol-  
19 lowing:

20 “(8) who has received actual notice of the At-  
21 torney General’s determination made pursuant to  
22 subsection (j) or (d)(1)(B) of section 843 of this  
23 title.”.

1           (n) ATTORNEY GENERAL DISCRETIONARY DENIAL  
2 OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—

3 Section 843 of title 18, United States Code, is amended—

4           (1) in subsection (b), by striking “Upon” and  
5 inserting “Except as provided in subsection (j),  
6 upon”; and

7           (2) by adding at the end the following:

8           “(j) The Attorney General may deny the issuance of  
9 a permit or license to an applicant if the Attorney General  
10 determines that the applicant or a responsible person or  
11 employee possessor thereof is known (or appropriately sus-  
12 pected) to be or have been engaged in conduct consti-  
13 tuting, in preparation of, in aid of, or related to terrorism,  
14 or providing material support or resources for terrorism,  
15 and the Attorney General has a reasonable belief that the  
16 person may use explosives in connection with terrorism.”.

17           (o) ATTORNEY GENERAL DISCRETIONARY REVOCATION  
18 OF FEDERAL EXPLOSIVES LICENSES AND PER-  
19 MITS.—Section 843(d) of title 18, United States Code, is  
20 amended—

21           (1) by inserting “(1)” after “(d)”;

22           (2) by striking “if in the opinion” and inserting  
23 the following: “if—

24           “(A) in the opinion”; and

1           (3) by striking “. The Secretary’s action” and  
2 inserting the following: “; or

3           “(B) the Attorney General determines that the  
4 licensee or holder (or any responsible person or em-  
5 ployee possessor thereof) is known (or appropriately  
6 suspected) to be or have been engaged in conduct  
7 constituting, in preparation for, in aid of, or related  
8 to terrorism, or providing material support or re-  
9 sources for terrorism, and that the Attorney General  
10 has a reasonable belief that the person may use ex-  
11 plosives in connection with terrorism.

12           “(2) The Attorney General’s action”.

13           (p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD  
14 INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DE-  
15 NIAL AND REVOCATION SUITS.—Section 843(e) of title  
16 18, United States Code, is amended—

17           (1) in paragraph (1), by inserting after the first  
18 sentence the following: “However, if the denial or  
19 revocation is based upon an Attorney General deter-  
20 mination under subsection (j) or (d)(1)(B), any in-  
21 formation which the Attorney General relied on for  
22 this determination may be withheld from the peti-  
23 tioner if the Attorney General determines that dis-  
24 closure of the information would likely compromise  
25 national security.”; and

1           (2) in paragraph (2), by adding at the end the  
2 following: “In responding to any petition for review  
3 of a denial or revocation based upon an Attorney  
4 General determination under subsection (j) or  
5 (d)(1)(B), the United States may submit, and the  
6 court may rely upon, summaries or redacted versions  
7 of documents containing information the disclosure  
8 of which the Attorney General has determined would  
9 likely compromise national security.”.

10       (q) ABILITY TO WITHHOLD INFORMATION IN COM-  
11 MUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title  
12 18, United States Code, is amended—

13           (1) in subparagraph (A), by inserting “or in  
14 subsection (j) of this section (on grounds of ter-  
15 rorism)” after “section 842(i)”; and

16           (2) in subparagraph (B)—

17               (A) in the matter preceding clause (i), by  
18 inserting “or in subsection (j) of this section,”  
19 after “section 842(i),”; and

20               (B) in clause (ii), by inserting “, except  
21 that any information that the Attorney General  
22 relied on for a determination pursuant to sub-  
23 section (j) may be withheld if the Attorney Gen-  
24 eral concludes that disclosure of the information



1           would likely compromise national security”  
2           after “determination”.

3           (f) CONFORMING AMENDMENT TO IMMIGRATION AND  
4 NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Im-  
5 migration and Nationality Act (8 U.S.C.  
6 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and  
7 inserting “(5), or (10)”.

8           (s) GUIDELINES.—

9           (1) IN GENERAL.—The Attorney General shall  
10 issue guidelines describing the circumstances under  
11 which the Attorney General will exercise the author-  
12 ity and make determinations under subsections  
13 (d)(1)(B) and (j) of section 843 and sections 922A  
14 and 922B of title 18, United States Code, as amend-  
15 ed by this Act.

16           (2) CONTENTS.—The guidelines issued under  
17 paragraph (1) shall—

18           (A) provide accountability and a basis for  
19 monitoring to ensure that the intended goals  
20 for, and expected results of, the grant of au-  
21 thority under subsections (d)(1)(B) and (j) of  
22 section 843 and sections 922A and 922B of  
23 title 18, United States Code, as amended by  
24 this Act, are being achieved; and

1 (B) ensure that terrorist watch list records  
2 are used in a manner that safeguards privacy  
3 and civil liberties protections, in accordance  
4 with requirements outlined in Homeland Security  
5 Presidential Directive 11 (dated August 27,  
6 2004).

## 7 **Subtitle C—Strengthening Aviation** 8 **Security**

### 9 **SEC. 221. DEFINITIONS.**

10 In this subtitle:

11 (1) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the Transpor-  
13 tation Security Administration.

14 (2) TSA.—The term “TSA” means the Trans-  
15 portation Security Administration.

### 16 **PART I—TRANSPORTATION SECURITY ADMINIS-** 17 **TRATION WORKFORCE TRAINING AND PRO-** 18 **CEDURES**

#### 19 **SEC. 226. TRANSPORTATION SECURITY OFFICER TRAINING.**

20 (a) IN GENERAL.—Not later than 180 days after the  
21 date of the enactment of this Act, the Administrator shall  
22 conduct a review of the initial and recurrent training pro-  
23 vided to transportation security officers who operate air-  
24 port security checkpoints and conduct baggage screening.

1 (b) REQUIREMENTS.—The review under subsection  
2 (a) shall include—

- 3 (1) training to identify and respond to evolving  
4 terrorism and security threats; and  
5 (2) an identification of any gaps in current  
6 training.

7 (c) COMPREHENSIVE TRAINING PLAN.—

8 (1) IN GENERAL.—The Administrator shall de-  
9 velop a comprehensive plan for training transpor-  
10 tation security officers based on the review under  
11 subsection (a).

12 (2) REQUIREMENTS.—The training plan shall  
13 include—

14 (A) training for new hires;

15 (B) recurrent training for employees, at  
16 regular intervals;

17 (C) training for managers;

18 (D) education regarding TSA functions  
19 and responsibilities outside the scope of the  
20 transportation security officer's own position;

21 (E) education regarding TSA's mission  
22 and role in the Federal interagency counter-ter-  
23 rorism efforts;

24 (F) training on the tools and equipment  
25 that may be used in security operations; and

1 (G) regular briefings highlighting current  
2 threats.

3 (d) REPORT.—Not later than 270 days after the date  
4 of the enactment of this Act, the Administrator shall re-  
5 port to Congress on the progress of implementing the com-  
6 prehensive training plan developed under subsection (b).

7 **PART II—ACCESS CONTROLS**

8 **SEC. 231. INSIDER THREATS.**

9 (a) IN GENERAL.—The Administrator shall conduct  
10 a review of airport security to identify any insider threat  
11 vulnerabilities in aviation, and of the programs and prac-  
12 tices currently in place to mitigate the risk of insider  
13 threats to aviation security.

14 (b) REQUIREMENTS.—In conducting the review re-  
15 quired by subsection (a), the Administrator shall con-  
16 sider—

17 (1) available intelligence from domestic and  
18 international law enforcement and intelligence agen-  
19 cies;

20 (2) a review of vulnerabilities across the na-  
21 tional aviation system; and

22 (3) possible attack scenarios or adversary path-  
23 ways that represent the greatest insider threat to  
24 aviation security.

1           (c) PLAN.—Upon completion of the review required  
2 by subsection (a), the Administrator shall develop a plan  
3 to address any identified insider threat vulnerabilities, in-  
4 cluding any recommended changes to the programs and  
5 practices the Administrator considers necessary to suc-  
6 cessfully address the vulnerabilities.

7           (d) REPORT.—Not later than 30 days after the date  
8 the plan under subsection (c) is developed, the Adminis-  
9 trator shall transmit to the Committee on Commerce,  
10 Science, and Transportation of the Senate and the Com-  
11 mittee on Homeland Security of the House of Representa-  
12 tives a report detailing the plan.

13           (e) STAFFING.—If in conducting the review under  
14 subsection (a), the Administrator determines that addi-  
15 tional TSA staffing is required to reduce any insider  
16 threat risk that an aviation worker may pose to airport  
17 security, the Administrator shall transmit to Congress a  
18 report describing the additional TSA staffing needs, in-  
19 cluding additional officers to conduct random aviation  
20 worker screening.

21           (f) TESTING.—The Administrator shall direct the Of-  
22 fice of Inspection to increase testing to identify insider  
23 threat vulnerabilities within the entire airport system, in-  
24 cluding red-team and covert testing.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated such sums as may be nec-  
3 essary to carry out subsections (e) and (f).

4 **SEC. 232. AVIATION WORKERS VETTING.**

5 (a) TSDB INFORMATION.—

6 (1) IN GENERAL.—Not later than 30 days after  
7 the date of the enactment of this Act, the Director  
8 of the Federal Bureau of Investigation, in coordina-  
9 tion with the heads of all appropriate agencies, shall  
10 make available to the Administrator all names and  
11 identifying information from records within the Ter-  
12 rorist Screening Database of the Federal Bureau of  
13 Investigation’s Terrorist Screening Center in a man-  
14 ner that will permit the Administrator to conduct  
15 such automated vetting as the Administrator deter-  
16 mines to be necessary to effectively administer the  
17 credential vetting program for individuals with  
18 unescorted access to sensitive transportation envi-  
19 ronments, such as but not limited to secure areas of  
20 airports, on board aircraft, or in the vicinity of cargo  
21 or property that will be transported by air.

22 (2) PERMISSIBLE USES.—The Administrator is  
23 authorized to use the information described in para-  
24 graph (1) when determining whether to approve an  
25 airport or air carrier to issue an individual creden-

1       tials, access to a trusted population, or other secu-  
2       rity privileges.

3       (b) REVIEW OF DISQUALIFYING CRIMINAL OF-  
4 FENSES.—The Administrator shall review the existing list  
5 of disqualifying criminal offenses for aviation workers to  
6 determine the applicability of the list and potential need  
7 for modification in light of current threats.

8       (c) COMPREHENSIVE DATABASE.—

9           (1) IN GENERAL.—The Administrator shall re-  
10 view the existing database for aviation workers who  
11 have been issued identification media by an airport  
12 and take appropriate measures to enhance the data-  
13 base to include—

14           (A) for each aviation worker with  
15 unescorted access to a secured area—

16           (i) the record of the aviation worker's  
17 background check, including the status and  
18 date it was performed;

19           (ii) a photo or other biometric data  
20 the Administrator determines necessary to  
21 improve aviation security, either from iden-  
22 tification credential or other verified  
23 means;

1 (iii) legal name, as shown on an ac-  
2 ceptable Federal or State government  
3 issued identity document;

4 (iv) current address;

5 (v) any instances of misuse or loss of  
6 credentials issued to individuals for  
7 unescorted access to sensitive air transpor-  
8 tation environments; and

9 (vi) if applicable, length of authoriza-  
10 tion to work in the United States;

11 (B) the capability to add additional infor-  
12 mation requirements; and

13 (C) such other categories of information as  
14 the Administrator considers necessary to effec-  
15 tively administer the Administration's credential  
16 vetting program for individuals with unescorted  
17 access to sensitive air transportation environ-  
18 ments.

19 (2) DATABASE CONSTRUCTION.—In enhancing  
20 the database information required under paragraph  
21 (1), the Administrator may work with Federal agen-  
22 cies, contractors, or other third parties.

23 (3) GAO REPORT.—Not later than 1 year after  
24 the date of the enactment of this Act, the Comp-  
25 troller General of the United States shall conduct a



1 review of, and report to Congress on, the progress  
2 to implement the database changes required by  
3 paragraph (1), including a review of any obstacles to  
4 implementation.

5 (d) NAME FORMATS.—The Administrator shall com-  
6 municate clear instructions to all airport operators and air  
7 carriers regarding the recommended or required name for-  
8 mat and method of submission for background checks and  
9 aviation worker vetting for unescorted access to sensitive  
10 air transportation environments.

11 (e) REPORT.—Not later than 18 months after the  
12 date of the enactment of this Act, the Administrator shall  
13 submit to Congress a report detailing any obstacles to the  
14 effective vetting of aviation workers with, or applying for,  
15 unescorted access to sensitive transportation environ-  
16 ments, including—

17 (1) any issues accessing databases maintained  
18 by other Federal agencies, including the Federal Bu-  
19 reau of Investigation and any other agency that con-  
20 tributes to watch lists;

21 (2) incomplete identification information pro-  
22 vided by aviation workers or airport operators;

23 (3) specific airport operators that consistently  
24 fail to report information required under subsection

25 (c)(1) to the TSA; and

1           (4) any unnecessary delay in inputting aviation  
2 worker data into the database.

3           (f) WAIVER PROCESS FOR DENIED CREDENTIALS.—

4 The Administrator shall establish a waiver process for  
5 issuing credentials for unescorted access to sensitive air  
6 transportation environments, such as Security Identifica-  
7 tion Display Area (SIDA) credentials, for an individual  
8 found to be otherwise ineligible for such credentials. In  
9 establishing the waiver process, the Administrator shall—

10           (1) give consideration to the circumstances of  
11 any disqualifying act or offense, restitution made by  
12 the individual, Federal and State mitigation reme-  
13 dies, and other factors from which it may be con-  
14 cluded that the individual does not pose a terrorism  
15 risk warranting denial of the card; and

16           (2) consider the appeals and waiver process es-  
17 tablished under section 70105(c) of title 46, United  
18 States Code.

19           (g) REVIEW OF CREDENTIAL MEDIA.—

20           (1) IN GENERAL.—The Administrator shall re-  
21 view available media credentials used for unescorted  
22 access to sensitive air transportation environments  
23 to determine whether technology is available—

24                   (A) to make a meaningful improvement  
25                   upon existing credentials technology;

1 (B) to strengthen airport security, through  
2 biometrics or other technologies;

3 (C) to effectively or more effectively pre-  
4 vent fraudulent replication of credentials; and

5 (D) that is cost-effective.

6 (2) PILOT PROGRAM.—Based upon the findings  
7 of the review in paragraph (1), the Administrator  
8 may conduct a pilot program to test new access  
9 media at airports.

10 (h) REAL-TIME, CONTINUOUS VETTING FOR CRIMI-  
11 NAL HISTORY RECORDS CHECK.—The Administrator  
12 shall work with the Director of the Federal Bureau of In-  
13 vestigation to implement the Rap Back Service from the  
14 Federal Bureau of Investigation’s Next Generation Identi-  
15 fication program for purposes of vetting individuals with  
16 unescorted access to sensitive transportation environ-  
17 ments.

18 (i) REVIEW.—The Administrator may review and up-  
19 date the procedures for aviation workers with escorted ac-  
20 cess to sensitive transportation environments.

21 **SEC. 233. INFRASTRUCTURE.**

22 (a) GRANT PROGRAM.—To assist airports in reducing  
23 the number of secure access points for employees to the  
24 practical minimum, the Secretary of Homeland Security  
25 shall create a grant program to assist airports in carrying

1 out the necessary construction to address attack scenarios  
2 or adversary pathways and mitigate the insider threat.

3 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
4 authorized to be appropriated such sums as may be nec-  
5 essary to carry out the grant program under subsection  
6 (a).

7 **SEC. 234. VISIBLE DETERRENT.**

8 Section 1303(a) of the Implementing Recommenda-  
9 tions of the 9/11 Commission Act of 2007 (6 U.S.C.  
10 1112(a)) is amended—

11 (1) in paragraph (3), by striking “; and” and  
12 inserting a semicolon;

13 (2) in paragraph (4), by striking the period and  
14 inserting “; and”; and

15 (3) by adding at the end the following:

16 “(5) shall require that a VIPR team deployed  
17 to an airport conduct operations in the areas to  
18 which only individuals issued security credentials  
19 have unescorted access.”.

20 **PART III—TRANSPORTATION SECURITY ADMINIS-**  
21 **TRATION INNOVATION AND TECHNOLOGY**

22 **SEC. 241. RESEARCH.**

23 (a) **IN GENERAL.**—The Administrator, in coordina-  
24 tion with the Under Secretary for Science and Technology,  
25 and in consultation with the Secretary of Defense, the Sec-

1   retary of Energy, and the heads of other relevant Federal  
2   agencies, shall review existing or ongoing Federal research  
3   that may contribute to the development of screening tools  
4   and equipment for TSA's mission.

5       (b) **ADDITIONAL RESEARCH.**—After completing the  
6   review under paragraph (1), the Administrator and the  
7   Under Secretary for Science and Technology shall coordi-  
8   nate with the heads of relevant Federal research agencies  
9   to pursue research that may lead to advances in passenger  
10  and baggage screening technology.

11       (c) **RESEARCH UNIVERSITIES.**—To the extent the  
12  TSA is authorized to disclose information relating to its  
13  threat detection capabilities, the Administrator may part-  
14  ner with 1 or more research universities in the United  
15  States to conduct research into the hardware and software  
16  to screen passengers and baggage.

17 **SEC. 242. PUBLIC-PRIVATE PARTNERSHIPS.**

18       (a) **IN GENERAL.**—Not later than 180 days after the  
19  date of the enactment of this Act, the Administrator or  
20  Under Secretary for Science and Technology shall convene  
21  a working group of screening technology users from the  
22  private sector for the purpose of fostering public-private  
23  partnerships.

24       (b) **MEMBERS.**—The working group shall include rep-  
25  resentatives of private sector entities, such as major sports

1 leagues and operators of large scale resort parks, which  
2 have implemented or are investing in the development of  
3 screening security solutions intended to expeditiously  
4 screen high volumes of individuals and personal belong-  
5 ings.

6 (c) DUTIES.—The focus of the working group shall  
7 be to provide recommendations to the Administrator—

8 (1) to ensure better coordination between the  
9 TSA and such private sector entities;

10 (2) to enable the TSA to take advantage of new  
11 screening technologies developed for the private sec-  
12 tor;

13 (3) to foster public-private partnership prin-  
14 ciples; and

15 (4) to leverage and maximize the use of private  
16 sector capital, whenever appropriate.

17 **SEC. 243. REPORT.**

18 Not later than 180 days after the date of the enact-  
19 ment of this Act, the Administrator shall submit to the  
20 Committee on Commerce, Science, and Transportation of  
21 the Senate and the Committee on Homeland Security of  
22 the House of Representatives a report regarding TSA's  
23 efforts to encourage public-private cooperation and en-  
24 courage innovative airport security ideas.

1           **PART IV—IMPROVING INTERNATIONAL**  
2           **COORDINATION TO TRACK TERRORISTS**

3   **SEC. 251. COORDINATION WITH INTERNATIONAL AUTHORI-**  
4           **TIES.**

5           The Administrator shall—

6           (1) encourage maximum coordination with  
7           international counterparts to ensure security best  
8           practices are shared and implemented to enhance  
9           aviation security globally; and

10          (2) whenever appropriate, seek to increase the  
11          opportunities the TSA has to leverage its knowledge  
12          and expertise to promote greater international co-  
13          operation in enhancing aviation security globally, in-  
14          cluding increased information sharing, personnel ex-  
15          changes, and aviation worker vetting.

16   **SEC. 252. SENSE OF CONGRESS ON COOPERATION TO**  
17           **TRACK TERRORISTS TRAVELING BY AIR.**

18          It is the sense of Congress that the United States  
19          should—

20          (1) closely cooperate with the European Union  
21          as the European Union develops and implements its  
22          new program to store information on passengers  
23          traveling on commercial air carriers in and out of  
24          the European Union; and

25          (2) encourage the dissemination of such infor-  
26          mation within the European Union and the United

1 States for law enforcement and national security  
2 purposes.

3 **Subtitle D—Strengthening Security**  
4 **of Radiological Materials**

5 **SEC. 261. PREVENTING TERRORIST ACCESS TO DOMESTIC**  
6 **RADIOLOGICAL MATERIALS.**

7 (a) COMMERCIAL LICENSES.—Section 103 of the  
8 Atomic Energy Act of 1954 (42 U.S.C. 2133) is amend-  
9 ed—

10 (1) in subsection d., in the third sentence, by  
11 inserting “under a circumstance described in sub-  
12 section g., or” after “within the United States”; and

13 (2) by adding at the end the following:

14 “g. In addition to the limitations described in sub-  
15 section d. and the limitations provided at the discretion  
16 of the Commission, the Commission shall not grant a li-  
17 cense to any individual who is—

18 “(1) listed in the terrorist screening database  
19 maintained by the Federal Government Terrorist  
20 Screening Center of the Federal Bureau of Inves-  
21 tigation; or

22 “(2) convicted of any offense under any Fed-  
23 eral, State, or local law or ordinance, an element of  
24 which is—



1           “(A) engaging in conduct constituting, in  
2           preparation of, in aid of, or related to ter-  
3           rorism;

4           “(B) providing material support or re-  
5           sources for terrorism; or

6           “(C) the making of a terrorist threat.

7           “h. The Commission shall suspend immediately any  
8           license granted under this section if the Commission dis-  
9           covers that the licensee is providing unescorted access to  
10          any employee who is—

11           “(1) listed in the terrorist screening database  
12          maintained by the Federal Government Terrorist  
13          Screening Center of the Federal Bureau of Inves-  
14          tigation; or

15           “(2) convicted of any offense under any Fed-  
16          eral, State, or local law or ordinance, an element of  
17          which is—

18           “(A) engaging in conduct constituting, in  
19          preparation of, in aid of, or related to ter-  
20          rorism;

21           “(B) providing material support or re-  
22          sources for terrorism; or

23           “(C) the making of a terrorist threat.

24           “i. The Commission may lift the suspension of a li-  
25          cense made pursuant to subsection h. if—

1           “(1) the licensee has revoked unescorted access  
2           privileges to the employee;

3           “(2) the licensee has alerted the appropriate  
4           Federal, State, and local law enforcement offices of  
5           the provision and revocation of unescorted access to  
6           the employee; and

7           “(3) the Commission has conducted a review of  
8           the security of the licensee and determined that rein-  
9           statement of the licensee would not be inimical to  
10          the national security interests of the United  
11          States.”.

12          (b) MEDICAL THERAPY AND RESEARCH AND DEVEL-  
13          OPMENT.—Section 104 of the Atomic Energy Act of 1954  
14          (42 U.S.C. 2134) is amended—

15                 (1) in subsection d., in the third sentence, by  
16                 inserting “under a circumstance described in sub-  
17                 section e., or” after “within the United States”; and

18                 (2) by adding at the end the following:

19                 “e. In addition to the limitations described in sub-  
20                 section d. and the limitations provided at the discretion  
21                 of the Commission, the Commission shall not grant a li-  
22                 cense to any individual who is—

23                         “(1) listed in the terrorist screening database  
24                         maintained by the Federal Government Terrorist

1 Screening Center of the Federal Bureau of Inves-  
2 tigation; or

3 “(2) convicted of any offense under any Fed-  
4 eral, State, or local law or ordinance, an element of  
5 which is—

6 “(A) engaging in conduct constituting, in  
7 preparation of, in aid of, or related to ter-  
8 rorism;

9 “(B) providing material support or re-  
10 sources for terrorism; or

11 “(C) the making of a terrorist threat.

12 “f. The Commission shall suspend immediately any  
13 license granted under this section if the Commission dis-  
14 covers that the licensee is providing unescorted access to  
15 any employee who is—

16 “(1) listed in the terrorist screening database  
17 maintained by the Federal Government Terrorist  
18 Screening Center of the Federal Bureau of Inves-  
19 tigation; or

20 “(2) convicted of any offense under any Fed-  
21 eral, State, or local law or ordinance, an element of  
22 which is—

23 “(A) engaging in conduct constituting, in  
24 preparation of, in aid of, or related to ter-  
25 rorism;

1           “(B) providing material support or re-  
2           sources for terrorism; or

3           “(C) the making of a terrorist threat.

4           “g. The Commission may lift the suspension of a li-  
5           cense made pursuant to subsection f. if—

6           “(1) the licensee has revoked unescorted access  
7           privileges to the employee;

8           “(2) the licensee has alerted the appropriate  
9           Federal, State, and local law enforcement offices of  
10          the provision and revocation of unescorted access to  
11          the employee; and

12          “(3) the Commission has conducted a review of  
13          the security of the licensee and determined that rein-  
14          statement of the licensee would not be inimical to  
15          the national security interests of the United  
16          States.”.

17 **SEC. 262. STRATEGY FOR SECURING HIGH ACTIVITY RADIO-**  
18 **LOGICAL SOURCES.**

19          (a) IN GENERAL.—The Administrator for Nuclear  
20          Security shall—

21                 (1) in coordination with the Chairman of the  
22                 Nuclear Regulatory Commission and the Secretary  
23                 of Homeland Security, develop a strategy to enhance  
24                 the security of all high activity radiological sources  
25                 as soon as possible; and

1           (2) not later than 120 days after such date of  
2           enactment, submit to the appropriate congressional  
3           committees a report describing the strategy required  
4           by paragraph (1).

5           (b) ELEMENTS.—The report required by subsection  
6 (a)(2) shall include the following:

7           (1) A description of activities of the National  
8           Nuclear Security Administration, ongoing as of the  
9           date of the enactment of this Act—

10           (A) to secure high activity domestic radio-  
11           logical sources; and

12           (B) to secure radiological materials inter-  
13           nationally and to prevent their illicit trafficking  
14           as part of the broader Global Nuclear Detection  
15           Architecture.

16           (2) A list of any gaps in the legal authority of  
17           United States Government agencies needed to secure  
18           all high activity radiological sources.

19           (3) An estimate of the cost of securing all high  
20           activity domestic radiological sources.

21           (4) A list, in the classified annex authorized by  
22           subsection (c), of all high activity domestic radio-  
23           logical sources at sites at which enhanced physical  
24           security measures that comply with the requirements  
25           of the Office of Global Material Security of the Na-

1 tional Nuclear Security Administration are not in ef-  
2 fect.

3 (c) FORM OF REPORT.—The report required by sub-  
4 section (a) shall be submitted in unclassified form and  
5 shall include a classified annex.

6 (d) DEFINITIONS.—In this section:

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

10 (A) the Committee on Armed Services, the  
11 Committee on Energy and Natural Resources,  
12 the Committee on Environment and Public  
13 Works, and the Committee on Homeland Secu-  
14 rity and Governmental Affairs of the Senate;  
15 and

16 (B) the Committee on Armed Services, the  
17 Committee on Energy and Commerce, and the  
18 Committee on Homeland Security of the House  
19 of Representatives.

20 (2) HIGH ACTIVITY DOMESTIC RADIOLOGICAL  
21 MATERIAL.—The term “high activity domestic radio-  
22 logical source” means Category 1 or 2 quantities of  
23 radiological material, as determined by the Nuclear  
24 Regulatory Commission, located at a site in the  
25 United States.

1           (3) SECURE.—The terms “secure” and “secu-  
2           rity”, with respect to high activity radiological  
3           sources, refer to all activities to prevent terrorists  
4           from acquiring such sources, including enhanced  
5           physical security and tracking measures, removal  
6           and disposal of disused sources, replacement of such  
7           sources with nonradiological technologies where fea-  
8           sible, and detection of illicit trafficking.

9   **SEC. 263. OUTREACH TO STATE AND LOCAL LAW ENFORCE-**  
10                   **MENT AGENCIES ON RADIOLOGICAL**  
11                   **THREATS.**

12           Section 201(d) of the Homeland Security Act of 2002  
13   (6 U.S.C. 121(d)) is amended by adding at the end the  
14   following:

15           “(26)(A) Not later than every 2 years, the Sec-  
16           retary shall submit a written certification to Con-  
17           gress that the field staff of the Department have  
18           briefed State and local law enforcement representa-  
19           tives about radiological security threats.

20           “(B) A briefing conducted under subparagraph  
21           (A) shall include information on—

22                   “(i) the presence and current security sta-  
23                   tus of all high activity domestic radiological  
24                   sources housed within the jurisdiction of the  
25                   law enforcement agency being briefed;

1           “(ii) the threat that high activity domestic  
2 radiological sources could pose to their commu-  
3 nities and to the national security of the United  
4 States if these sources were lost, stolen or sub-  
5 ject to sabotage by criminal or terrorist actors;  
6 and

7           “(iii) guidelines and best practices for miti-  
8 gating the impact of emergencies involving high  
9 activity domestic radiological sources.

10          “(C) The National Nuclear Security Adminis-  
11 tration, the Nuclear Regulatory Commission, and  
12 Federal law enforcement agencies shall provide in-  
13 formation to the Department in order for the Sec-  
14 retary to submit the written certification described  
15 in subparagraph (A).

16          “(D) A written certification described in sub-  
17 paragraph (A) shall include a report on the activity  
18 of the field staff of the Department to brief State  
19 and local law enforcement representatives, including,  
20 as provided to the field staff of the Department by  
21 State and Local law enforcement agencies—

22           “(i) an aggregation of incidents regarding  
23 high activity domestic radiological sources; and



1           “(ii) information on current activities un-  
 2           dertaken to address the vulnerabilities of these  
 3           high activity domestic radiological sources.

4           “(E) In this paragraph, the term ‘high activity  
 5           domestic radiological sources’ means category 1  
 6           quantity and category 2 quantity radiological mate-  
 7           rials, as determined by the Nuclear Regulatory Com-  
 8           mission.”.

9           **Subtitle E—Stopping Homegrown**  
 10           **Extremism**

11       **SEC. 271. AUTHORIZATION OF THE OFFICE FOR COMMU-**  
 12                               **NITY PARTNERSHIPS OF THE DEPARTMENT**  
 13                               **OF HOMELAND SECURITY.**

14       (a) IN GENERAL.—Title I of the Homeland Security  
 15       Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding  
 16       at the end the following:

17       **“SEC. 104. OFFICE FOR COMMUNITY PARTNERSHIPS.**

18       “(a) DEFINITIONS.—In this section—

19           “(1) the term ‘countering violent extremism’  
 20           means proactive and relevant actions to counter ef-  
 21           forts by extremists to radicalize, recruit, and mobi-  
 22           lize followers to violence and to address the condi-  
 23           tions that allow for violent extremist recruitment  
 24           and radicalization; and

1           “(2) the term ‘violent extremism’ means ideo-  
2           logically motivated violence as a method of advanc-  
3           ing a cause.

4           “(b) ESTABLISHMENT.—There is in the Department  
5           an Office for Community Partnerships.

6           “(c) HEAD OF OFFICE.—The Office for Community  
7           Partnerships shall be headed by an Assistant Secretary  
8           for Community Partnerships, who shall be designated by  
9           the Secretary.

10          “(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT  
11          OF PERSONNEL.—The Secretary shall—

12                 “(1) designate a career Deputy Assistant Sec-  
13                 retary for Community Partnerships; and

14                 “(2) assign or hire, as appropriate, permanent  
15                 staff to the Office for Community Partnerships.

16          “(e) RESPONSIBILITIES.—The Assistant Secretary  
17          for Community Partnerships shall be responsible for the  
18          following:

19                 “(1) Leading the efforts of the Department to  
20                 counter violent extremism across all the components  
21                 and offices of the Department that conduct strategic  
22                 and supportive efforts to counter violent extremism.  
23                 Such efforts shall include the following:

24                         “(A) Partnering with communities to ad-  
25                         dress vulnerabilities that can be exploited by

1 violent extremists in the United States and ex-  
2 plore potential remedies for government and  
3 nongovernment institutions.

4 “(B) Working with civil society groups and  
5 communities to counter violent extremist propa-  
6 ganda, messaging, or recruitment.

7 “(C) In coordination with the Office for  
8 Civil Rights and Civil Liberties of the Depart-  
9 ment, managing the outreach and engagement  
10 efforts of the Department directed toward com-  
11 munities at risk for radicalization and recruit-  
12 ment for violent extremist activities.

13 “(D) Ensuring relevant information, re-  
14 search, and products inform efforts to counter  
15 violent extremism.

16 “(E) Developing and maintaining Depart-  
17 mentwide plans, strategy guiding policies, and  
18 programs to counter violent extremism. Such  
19 plans shall, at a minimum, address each of the  
20 following:

21 “(i) The Department’s plan to lever-  
22 age new and existing Internet and other  
23 technologies and social media platforms to  
24 improve nongovernment efforts to counter  
25 violent extremism, as well as the best prac-

1 tices and lessons learned of other Federal,  
2 State, local, tribal, territorial, and foreign  
3 partners engaged in similar counter-mes-  
4 saging efforts.

5 “(ii) The Department’s countering  
6 violent extremism-related engagement ef-  
7 forts.

8 “(iii) The use of cooperative agree-  
9 ments with State, local, tribal, territorial,  
10 and other Federal departments and agen-  
11 cies responsible for efforts relating to  
12 countering violent extremism.

13 “(F) Coordinating with the Office for Civil  
14 Rights and Civil Liberties of the Department to  
15 ensure all of the activities of the Department  
16 related to countering violent extremism fully re-  
17 spect the privacy, civil rights, and civil liberties  
18 of all persons.

19 “(G) In coordination with the Under Sec-  
20 retary for Science and Technology and in con-  
21 sultation with the Under Secretary for Intel-  
22 ligence and Analysis, identifying and recom-  
23 mending new research and analysis require-  
24 ments to ensure the dissemination of informa-  
25 tion and methods for Federal, State, local, trib-

1 al, and territorial countering violent extremism  
2 practitioners, officials, law enforcement, and  
3 nongovernmental partners to utilize such re-  
4 search and analysis.

5 “(H) Assessing the methods used by vio-  
6 lent extremists to disseminate propaganda and  
7 messaging to communities at risk for recruit-  
8 ment by violent extremists.

9 “(2) Developing a digital engagement strategy  
10 that expands the outreach efforts of the Department  
11 to counter violent extremist messaging by—

12 “(A) exploring ways to utilize relevant  
13 Internet and other technologies and social  
14 media platforms; and

15 “(B) maximizing other resources available  
16 to the Department.

17 “(3) Serving as the primary representative of  
18 the Department in coordinating countering violent  
19 extremism efforts with other Federal departments  
20 and agencies and nongovernmental organizations.

21 “(4) Serving as the primary Department-level  
22 representative in coordinating with the Department  
23 of State on international countering violent extre-  
24 mism issues.

1           “(5) In coordination with the Administrator of  
2 the Federal Emergency Management Agency, pro-  
3 viding guidance regarding the use of grants made to  
4 State, local, and tribal governments under sections  
5 2003 and 2004 under the allowable uses guidelines  
6 related to countering violent extremism.

7           “(6) Developing a plan to expand philanthropic  
8 support for domestic efforts related to countering  
9 violent extremism, including by identifying viable  
10 community projects and needs for possible philan-  
11 thropic support.

12           “(7) Administering the assistance described in  
13 subsection (f).

14           “(f) GRANTS TO COUNTER VIOLENT EXTREMISM.—

15           “(1) IN GENERAL.—In accordance with this  
16 subsection, the Secretary may award grants or coop-  
17 erative agreements directly to eligible recipients  
18 identified in paragraph (2) to support the efforts of  
19 local communities in the United States to counter  
20 violent extremism.

21           “(2) ELIGIBLE RECIPIENTS.—The Secretary  
22 may award competitive grants or cooperative agree-  
23 ments based on need directly to—

24                   “(A) States;

25                   “(B) local governments;

1                   “(C) tribal governments;

2                   “(D) nonprofit organizations; or

3                   “(E) institutions of higher education.

4                   “(3) USE OF FUNDS.—Each entity receiving a  
5 grant or cooperative agreement under this sub-  
6 section shall use the grant or cooperative agreement  
7 for 1 or more of the following purposes:

8                   “(A) To train or exercise for countering  
9 violent extremism, including building training  
10 or exercise programs designed to improve cul-  
11 tural competency and to ensure that commu-  
12 nities, government, and law enforcement receive  
13 accurate, intelligence-based information about  
14 the dynamics of radicalization to violence.

15                   “(B) To develop, implement, or expand  
16 programs or projects with communities to dis-  
17 cuss violent extremism or to engage commu-  
18 nities that may be targeted by violent extremist  
19 radicalization.

20                   “(C) To develop and implement projects  
21 that partner with local communities to prevent  
22 radicalization to violence.

23                   “(D) To develop and implement a com-  
24 prehensive model for preventing violent extre-  
25 mism in local communities, including existing

1 initiatives of State or local law enforcement  
2 agencies and existing mechanisms for engaging  
3 the resources and expertise available from a  
4 range of social service providers, such as edu-  
5 cation administrators, mental health profes-  
6 sionals, and religious leaders.

7 “(E) To educate the community about  
8 countering violent extremism, including the pro-  
9 motion of community-based activities to in-  
10 crease the measures taken by the community to  
11 counter violent extremism.

12 “(F) To develop or assist social service  
13 programs that address root causes of violent ex-  
14 tremism and develop, build, or enhance alter-  
15 natives for members of local communities that  
16 may be targeted by violent extremism.

17 “(G) To develop or enhance State or local  
18 government initiatives that facilitate and build  
19 overall capacity to address the threats post by  
20 violent extremism.

21 “(H) To support such other activities, con-  
22 sistent with the purposes of this subsection, as  
23 the Secretary determines appropriate.

24 “(4) GRANT GUIDELINES.—



1           “(A) IN GENERAL.—For each fiscal year,  
2 before awarding a grant or cooperative agree-  
3 ment under this subsection, the Secretary shall  
4 develop guidelines published in a notice of fund-  
5 ing opportunity that describe—

6           “(i) the process for applying for  
7 grants and cooperative agreements under  
8 this subsection;

9           “(ii) the criteria that the Secretary  
10 will use for selecting recipients based on  
11 the need demonstrated by the applicant;  
12 and

13           “(iii) the requirements that recipients  
14 must follow when utilizing funds under  
15 this subsection to conduct training and ex-  
16 ercises and otherwise engage local commu-  
17 nities regarding countering violent extre-  
18 mism.

19           “(B) CONSIDERATIONS.—In developing the  
20 requirements under subparagraph (A)(iii), the  
21 Secretary shall consider the following:

22           “(i) Training objectives should be  
23 clearly defined to meet specific countering  
24 violent extremism goals, such as commu-

1 nity engagement, cultural awareness, or  
2 community-based policing.

3 “(ii) Engaging diverse communities in  
4 the United States to counter violent extre-  
5 mism may require working with local  
6 grassroots community organizations to de-  
7 velop engagement and outreach initiatives.

8 “(iii) Training programs should—

9 “(I) be sensitive to Constitutional  
10 values, such as protecting funda-  
11 mental civil rights and civil liberties,  
12 and eschew notions of racial and eth-  
13 nic profiling; and

14 “(II) adhere to the standards  
15 and ethics of the Department, ensur-  
16 ing that the clearly defined objectives  
17 are in line with the strategies of the  
18 Department to counter violent extre-  
19 mism.

20 “(iv) Establishing vetting procedures  
21 for self-selected countering violent extre-  
22 mism training experts who offer programs  
23 that may claim to counter violent extre-  
24 mism, but serve to demonize certain indi-

1           viduals or whole cross-sections of a com-  
2           munity.

3           “(v) Providing a review process to de-  
4           termine if countering violent extremism  
5           training focuses on community engagement  
6           and outreach.

7           “(vi) Providing support to law en-  
8           forcement to enhance knowledge, skills,  
9           and abilities to increase engagement tech-  
10          niques with diverse communities in the  
11          United States.

12          “(g) ANNUAL REPORT.—Beginning in the first fiscal  
13          year beginning after the date of enactment of this section,  
14          and in each of the next 5 fiscal years, the Assistant Sec-  
15          retary for Community Partnerships shall submit to Con-  
16          gress an annual report on the Office for Community Part-  
17          nerships, which shall include—

18                 “(1) a description of the status of the programs  
19                 and policies of the Department for countering vio-  
20                 lent extremism in the United States;

21                 “(2) a description of the efforts of the Office  
22                 for Community Partnerships to cooperate with and  
23                 provide assistance to other Federal departments and  
24                 agencies;



1 related phenomena and advance evidence-based strategies  
2 for effective prevention and intervention.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$4,000,000 for each of fiscal years 2016 through 2019.

6 **Subtitle F—Comprehensive Inde-**  
7 **pendent Study of National Cryp-**  
8 **tography Policy**

9 **SEC. 281. COMPREHENSIVE INDEPENDENT STUDY OF NA-**  
10 **TIONAL CRYPTOGRAPHY POLICY.**

11 (a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not  
12 later than 90 days after the date of the enactment of this  
13 Act, the National Research Council shall commence a com-  
14 prehensive study on cryptographic technologies and na-  
15 tional cryptography policy.

16 (b) MATTERS TO BE ASSESSED IN STUDY.—The  
17 study required under subsection (a) shall—

18 (1) assess current and future development in  
19 encryption technology, including how such tech-  
20 nology is likely to be deployed by both United States  
21 and international industries;

22 (2) assess the effect of cryptographic tech-  
23 nologies on—

24 (A) national security interests of the  
25 United States Government;

1 (B) law enforcement interests of the  
2 United States Government;

3 (C) commercial interests of United States  
4 industry;

5 (D) privacy interests of United States citi-  
6 zens; and

7 (E) activities of the United States Govern-  
8 ment to promote human rights and Internet  
9 freedom; and

10 (3) consider the conclusions and recommenda-  
11 tions of the report issued by the National Research  
12 Council in 1996 entitled “Cryptography’s Role in  
13 Securing the Information Society”.

14 (c) COOPERATION WITH STUDY.—

15 (1) IN GENERAL.—The Director of National In-  
16 telligence, the Attorney General, the Secretary of  
17 Defense, the Secretary of Commerce, and the Sec-  
18 retary of State shall direct all appropriate depart-  
19 ments and agencies to cooperate fully with the Na-  
20 tional Research Council in its activities in carrying  
21 out the study required under subsection (a).

22 (2) NATIONAL RESEARCH COUNCIL.—The Na-  
23 tional Research Council shall cooperate with United  
24 States entities that have an interest in encryption

1 policy, including United States industry and non-  
2 profit organizations.

3 (d) REPORT.—The National Research Council shall  
4 complete the study and submit to the Committee on the  
5 Judiciary, the Committee on Commerce, Science, and  
6 Transportation, the Committee on Foreign Relations, and  
7 the Select Committee on Intelligence of the Senate and  
8 to the Committee on the Judiciary, the Committee on For-  
9 eign Affairs, the Committee on Energy and Commerce,  
10 and the Permanent Select Committee on Intelligence of  
11 the House of Representatives, a report on the study within  
12 approximately two years after full processing of security  
13 clearances under subsection (e). The report on the study  
14 shall set forth the Council’s findings and conclusions and  
15 the recommendations of the Council for improvements in  
16 cryptography policy and procedures. The report shall be  
17 submitted in unclassified form, with classified annexes as  
18 necessary.

19 (e) EXPEDITED PROCESSING OF SECURITY CLEAR-  
20 ANCES FOR STUDY.—For the purpose of facilitating the  
21 commencement of the study under this section, the appro-  
22 priate departments, agencies, and elements of the execu-  
23 tive branch shall expedite to the fullest degree possible the  
24 processing of security clearances that are necessary for the

1 National Research Council to conduct the study required  
2 under subsection (a).

3           **Subtitle G—Law Enforcement**  
4                           **Training**

5 **SEC. 291. LAW ENFORCEMENT TRAINING FOR ACTIVE**  
6                           **SHOOTER INCIDENTS.**

7           Section 2006(a)(2) of the Homeland Security Act of  
8 2002 (6 U.S.C. 607(a)(2)) is amended—

9                   (1) by redesignating subparagraphs (E)  
10           through (I) as subparagraphs (F) through (J), re-  
11           spectively; and

12                   (2) by inserting after subparagraph (D) the fol-  
13           lowing new subparagraph:

14                           “(E) training exercises to enhance pre-  
15                   paredness for and response to active shooter in-  
16                   cidents and security events at public locations;”.

17 **SEC. 292. ACTIVE SHOOTER INCIDENT RESPONSE ASSIST-**  
18                           **ANCE.**

19           (a) IN GENERAL.—The Secretary of Homeland Secu-  
20 rity shall, in consultation with the Attorney General and  
21 other Federal agencies as appropriate, provide technical  
22 assistance to State, local, tribal, territorial, private sector,  
23 and nongovernmental partners for the development of re-  
24 sponse plans for active shooter incidents in publicly acces-  
25 sible spaces, including facilities that have been identified



1 by the Department of Homeland Security as potentially  
2 vulnerable targets.

3 (b) TYPES OF PLANS.—The response plans developed  
4 under subsection (a) may include, but are not limited to,  
5 the following elements:

6 (1) A strategy for evacuating and providing  
7 care to persons inside the publicly accessible space,  
8 with consideration given to the needs of persons with  
9 disabilities.

10 (2) A plan for establishing a unified command,  
11 including identification of staging areas for law en-  
12 forcement and fire response.

13 (3) A schedule for regular testing of commu-  
14 nications equipment used to receive emergency calls.

15 (4) An evaluation of how emergency calls placed  
16 by persons inside the publicly accessible space will  
17 reach police in an expeditious manner.

18 (5) A practiced method and plan to commu-  
19 nicate with occupants of the publicly accessible  
20 space.

21 (6) A practiced method and plan to commu-  
22 nicate with the surrounding community regarding  
23 the incident and the needs of Federal, State, and  
24 local officials.

1           (7) A plan for coordinating with volunteer orga-  
2           nizations to expedite assistance for victims.

3           (8) To the extent practicable, a projected max-  
4           imum time frame for law enforcement response to  
5           active shooters, acts of terrorism, and incidents that  
6           target the publicly accessible space.

7           (9) A schedule for joint exercises and training.

8           (c) REPORT TO CONGRESS.—Not later than 180 days  
9           after the date of enactment of this Act, the Secretary of  
10          Homeland Security shall submit to the Committee on  
11          Homeland Security and Governmental Affairs of the Sen-  
12          ate, the Committee on the Judiciary of the Senate, the  
13          Committee on Homeland Security of the House of Rep-  
14          resentatives, and the Committee on the Judiciary of the  
15          House of Representatives a report on findings resulting  
16          from technical assistance provided under subsection (a),  
17          including an analysis of the level of preparedness to re-  
18          spond to active shooter incidents in publicly accessible  
19          spaces.

20          (d) BEST PRACTICES.—The Secretary of Homeland  
21          Security, in consultation with the Attorney General,  
22          shall—

23                 (1) identify best practices for security incident  
24          planning, management, and training for responding

1 to active shooter incidents in publicly accessible  
2 spaces; and

3 (2) establish a mechanism through which to  
4 share such best practices with State, local, tribal,  
5 territorial, private sector, and nongovernmental part-  
6 ners.

7 **SEC. 293. GRANTS TO STATE AND LOCAL LAW ENFORCE-**  
8 **MENT AGENCIES FOR ANTITERRORISM**  
9 **TRAINING PROGRAMS.**

10 (a) IN GENERAL.—The Attorney General may award  
11 grants to develop and implement antiterrorism training  
12 and technical assistance programs for State, local, and  
13 tribal law enforcement.

14 (b) USE OF GRANT AMOUNTS.—A grant awarded  
15 under subsection (a) may be used—

16 (1) to provide specialized antiterrorism detec-  
17 tion, investigation, and interdiction training and re-  
18 lated services to State, local, and tribal law enforce-  
19 ment agencies and prosecution authorities, which  
20 may include workshops, on-site and online training  
21 courses, joint training and activities with and focus-  
22 ing on community stakeholders and partnerships,  
23 educational materials and resources, or other train-  
24 ing means as necessary; and

1           (2) to identify antiterrorism-related training  
2 needs at the State, local, and tribal level and con-  
3 duct customized training programs to address those  
4 needs.

5       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 \$5,000,000 for each fiscal year.

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