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REPORT
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SCREENING AND VETTING PASSENGER EXCHANGE ACT OF 2017

JANUARY 9, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MCCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4581]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4581) to require the Secretary of Homeland Security to develop best practices for utilizing advanced passenger information and passenger name record data for counterterrorism screening and vetting operations, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 4581 is to require the Secretary of Homeland Security to develop best practices for utilizing advanced passenger information (API) and passenger name record (PNR) data for counterterrorism screening and vetting operations. This bill directs the Secretary of Homeland Security to develop best practices for utilizing API and PNR data for counterterrorism screening and vetting purposes. It also directs the Secretary to make the best practices available to foreign partners and provide assistance to those countries in implementing the best practices.

BACKGROUND AND NEED FOR LEGISLATION

API, or biographic information about a traveler, and PNR, or data about a traveler's reservation and itinerary, are valuable tools used for screening and vetting potential criminals and terrorists. The Department of Homeland Security (DHS), especially U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA), utilize these data sets to confirm the identities and travel patterns of travelers before they are able to enter the U.S.

In April 2016, the European Union (EU) adopted a new directive requiring its member States to utilize PNR data for the prevention, detection, investigation, and prosecution of terrorist offenses and serious crime. While this is a positive step by our European allies, many EU countries lack the knowledge, expertise, or capability to implement this directive by the May 2018 deadline. Therefore, H.R. 4581 directs DHS to leverage its expertise and experience utilizing API and PNR data by developing best practices and making them available to Visa Waiver Program (VWP) countries-many of which are in the EU. This will not only strengthen the security and capabilities of our foreign partners, but will also have a major impact on the security of the homeland.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 4564 in the 115th Congress. However, this legislation was informed by a Task Force on Denying Terrorists Entry into the United States hearing on May 3, 2017, entitled "Denying Terrorists Entry to the United States: Examining Visa Security." The Task Force received testimony from: Mr. Edward Ramotowski, Deputy Assistant Secretary, Office of Visa Services, Department of State; Mr. John Wagner, Deputy Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael Dougherty, Acting Assistant Secretary for Border, Immigration, and Trade, Office of Strategy, Policy, and Plans, Department of Homeland Security; Mr. Clark Settles, Assistant Director, National Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and Ms. Rebecca Gambler, Director, Homeland Security and Justice, Government Accountability Office.

This legislation was also informed by a Task Force hearing on July 13, 2017, entitled "The Terrorist Diaspora: After the Fall of the Caliphate." The Task Force received testimony from: Mr. Thomas Joscelyn, Senior Fellow, Foundation for Defense of

Democracies; Mr. Robin Simcox, Margaret Thatcher Fellow, The Heritage Foundation; and Dr. Colin P. Clarke, Political Scientist, The RAND Corporation.

COMMITTEE CONSIDERATION

The Committee met on December 13, 2017, to consider H.R. 4581, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4581.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4581, the Screening and Vetting Passenger Exchange Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4581 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of this legislation is to ensure that foreign partners are able to leverage DHS's expertise and experience using API and PNR data for screening and vetting purposes, which will not only strengthen the security and capabilities of those countries, but will also have a positive impact on the security of the homeland.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4581 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4581 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4581 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the "Screening and Vetting Passenger Exchange Act of 2017".

Sec. 2. Passenger Screening Best Practices.

This section directs the Secretary of Homeland Security, not later than 270 days after the date of enactment of the Act, to develop

best practices for utilizing advanced passenger information and passenger name record data for counterterrorism screening and vetting operations. It also directs the Secretary, to the greatest extent practicable, to make the best practices available to certain countries, including Visa Waiver Program countries, and provide assistance to those countries in implementing the best practices.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4581 makes no changes to existing law.

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