

**ADAPTING TO DEFEND THE HOMELAND AGAINST
THE EVOLVING INTERNATIONAL TERRORIST
THREAT**

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
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FIRST SESSION

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ADAPTING TO DEFEND THE HOMELAND AGAINST THE EVOLVING INTERNATIONAL TERRORIST THREAT

WEDNESDAY, DECEMBER 6, 2017

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:01 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Lankford, Daines, McCaskill, Tester, Heitkamp, Peters, Hassan, and Harris.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Good morning. This hearing is called to order. I want to thank the witnesses for your testimony and for coming and appearing before our Committee today.

I ask that my written opening statement be entered into the record,¹ and I will keep my opening remarks brief. We have four witnesses here.

The concept of this hearing was pretty simple. Certainly, in my lifetime, I have seen terrorism evolve. My first awareness of terrorism springing from the Middle East was the Munich Games and Palestinians slaughtering Israeli athletes.

Then we had in the 90s, the attempt to bring down the Twin Towers the first time in the bombing. I think six people were killed, a number of people—hundreds injured. That was a new phase. We basically addressed it as a law enforcement problem.

Then 9/11 happened, and we had wars in Iraq and Afghanistan, and obviously, those wars continue in some way, shape, or form.

Then we had Islamic State of Iraq and Syria (ISIS). It is good that we have, by and large, taken away the physical caliphate, but as we will hear in the testimony today, we have in no way, shape, or form denied them the cyber caliphate. And that may be a more persistent long-term threat. So we have representatives from the Department of Defense (DOD), the National Counterterrorism Center (NCTC), the Department of Homeland Security (DHS), and also the Federal Bureau of Investigation (FBI) Department of Justice (DOJ) really to determine, discuss about what is this new phase of terrorism going to look like, what do we need to do to counter it, what type of changes potentially in our laws and our tactics should

¹ The prepared statement of Senator Johnson appears in the Appendix on page 31.

we be contemplating and potentially enacting into law to address this generational problem. I hate to say that, but this is not going away anytime soon.

So, again, I want to thank our witnesses for appearing here today. I am looking forward to a good hearing. I am looking forward to learning an awful lot.

So, with that, I will turn it over to Senator McCaskill.

OPENING STATEMENT OF SENATOR MCCASKILL¹

Senator MCCASKILL. Thank you, Chairman Johnson, and thank you to the witnesses for being here today.

Congress' is focused now on funding the government, and with the budget season shortly upon us, this hearing provides a well-timed opportunity to examine the Administration's counterterrorism (CT) strategies and priorities.

Since 9/11, we have we have relentlessly pursued a multifaceted counterterrorism campaign to protect our homeland from foreign threats. While this Committee generally focuses on security efforts here at home, today offers an opportunity for members who do not serve on the defense committees to engage with the Department of Defense on how DOD is taking the fight to the enemy abroad.

We will also get another chance, coming on the heels of our annual threats hearing in September, to hear from the FBI and the National Counterterrorism Center on their agencies' vital work.

This hearing is titled "Adapting to Defend Homeland Against Evolving International Terrorist Threat." For that reason, I invited the Department of Homeland Security to provide a witness, since its primary mission, as set in its statute, is to "prevent terrorist attacks within the United States and reduce the vulnerability of the United States to terrorism."

On that note, on Monday, the Senate advanced Ms. Nielsen's confirmation vote, and I am pleased that DHS will soon have permanent leadership.

Mr. Taylor, I look forward to your testimony on behalf of the Department.

NCTC Director Nick Rasmussen testified before this Committee in September that the most immediate threat to the United States is from homegrown violent extremists (HVE), meaning people living in the United States who become radicalized and conduct attacks here at home.

At that same hearing, DHS Acting Secretary Elaine Duke discussed how attackers' techniques are evolving as they opt for, "simple methods," to conduct attacks, using guns, knives, vehicles, and other common items to engage in acts of terror.

Preventing radicalization, as well as preventing and responding to attack, demands training, support, and other resources for State and local governments, law enforcement, and first responders.

I am deeply concerned that many essential counterterrorism programs that provide that very support were reduced or outright eliminated in the President's Fiscal Year (FY) budget.

To prevent Americans from becoming radicalized, DHS administers the Countering Violent Extremism (CVE) Grant Program

¹The prepared statement of Senator McCaskill appears in the Appendix on page 32.

that assists States, local governments, and nonprofit institutions in providing alternatives for individuals who have started down the road to extremism. Although Congress appropriated only \$10 million for DHS to award in grants, the Department received applications for 10 times that amount, demonstrating the overwhelming interest communities have in tackling this problem. Despite that, the President's Fiscal Year budget requested zero funding for the CVE grant program.

I have mentioned this before, but it is worth repeating that in July, DHS announced 29 awards through the Complex Coordinated Terrorist Attacks (CCTA) Grant Program. That is CCTA. Kansas City and St. Louis were both awarded money. I am very familiar with how these resources are being used, and they are being used wisely and appropriately. Programs like this are essential to bolstering security in our cities, but the President's budget proposed eliminating this grant program as well.

During her nomination hearing, I asked DHS Secretary nominee Kirstjen Nielsen if New York City relied on these resources it got from any of the DHS counterterrorism grant programs to respond to the Halloween ramming attack. She had no doubt that they did.

Communities count on programs like the Visible Intermodal Prevention and Response (VIPR) teams; Urban Areas Security Initiative (UASI); Complex Coordinated Terrorist Attack Grant Program; and the Law Enforcement Officer Reimbursement Program to protect Americans from terrorist attacks and keep our country safe.

But this Administration is reducing and outright eliminating funding for these types of initiatives. This Administration has to start following the advice of its own agencies, experts, and our State and local officials on the ground who understand the threats our communities face.

I am glad you are here today to talk about the essential work you and the women and men in your departments do every day to fight terrorism. I appreciate your service to our country.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator McCaskill.

It is the tradition of this Committee to swear in witnesses, so if you all stand and raise your right hand. Do you swear the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. MITCHELL. I do.

Ms. SHIAO. I do.

Ms. FLORIS. I do.

Mr. TAYLOR. I do.

Chairman JOHNSON. Please be seated.

Our first witness is Mark Mitchell, and Mr. Mitchell is the Acting Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. In his role, he supervises DOD's special operations and low-intensity conflict activities, including counterterrorism, unconventional warfare, direct action, special reconnaissance, foreign internal defense, and civil affairs. Mr. Mitchell.

TESTIMONY OF MARK E. MITCHELL,¹ ACTING ASSISTANT SECRETARY FOR SPECIAL OPERATIONS/LOW-INTENSITY CONFLICT, U.S. DEPARTMENT OF DEFENSE

Mr. MITCHELL. Good morning, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee. I am grateful for the opportunity to appear before you this morning with my colleagues from our other departments, and I would like to discuss the changing threat landscape with respect to the destruction of the Islamic State of Iraq and Syria's physical caliphate and then efforts by the Department of Defense to counterterrorist threats within this changing landscape.

The liberation of Raqqa and remaining ISIS strongholds in the Euphrates River Valley are important milestones in our fight against the scourge of ISIS. Our Iraqi and Syrian Democratic Forces (SDF) partners deserve much of the credit for the success of these efforts. Nevertheless, the elimination of the physical caliphate does not mark the end of ISIS or other global terrorist organizations. Their defeat on the battlefield has dispelled ISIS's claims of invincibility, but their ideology remains. Their branches and affiliates will continue to seek opportunities to spread their toxic ideology and attack all those who do not subscribe to it.

As ISIS loses territory in Iraq and Syria, its operations will become more distributed and more reliant on virtual connections. Their terrorist cadres will migrate to other safe havens, where they can direct and enable attacks against the United States, our allies and our partners, and our global interests. They will also continue to radicalize vulnerable individuals and inspire them to conduct lone wolf or, as I prefer to call them, stray dog attacks. We will continue to see ISIS and al-Qaeda threats to our homeland as well as our allies and partners from locations in Afghanistan, the Middle East, Africa, Southeast Asia, and the Balkan States, among other locations.

Right now, the United States and its allies and partners, including 74 members of the Global Coalition to Defeat ISIS, must continue to defeat this threat with a shared commitment against our common enemies. We must continue to deny ISIS and other organizations safe havens where they can plan attacks and prey on vulnerable populations.

We will continue to do this work through credible, indigenous voices. To delegitimize their ideology, we must discredit their narrative so they cannot recruit and radicalize vulnerable populations, and finally, to achieve enduring results, we must ensure that our successes on the battlefield are complemented by well-resourced post-conflict stabilization efforts. These efforts principally led by the Department of State and the U.S. Agency for International Development (USAID) are critical to cementing the military gains and preventing terrorist organizations from reestablishing themselves.

As we look back on our recent operations, we have learned a couple major lessons. Defeating the group requires a whole-of-government approach and cannot be achieved through military efforts alone. Our "by, with, and through" approach with local partners continues to be effective, and ISIS remains a global terrorist threat.

¹ The prepared statement of Mr. Mitchell appears in the Appendix on page 36.

I will turn now to what DOD is going in the counterterrorism realm. I want to reiterate that the enduring defeat requires a whole-of-government effort. We must continue to promote and support that whole-of-government effort, including political, developmental, economic, military, law enforcement, border security, aviation security, and other elements.

With respect to military efforts, of course, DOD maintains the world's premier counterterrorism force, the finest and most capable special operations force in the world. Those forces are capable of conducting focused direct action against terrorist threats around the globe, including precision air strikes and other CT activities, wherever they are required. I would be happy to provide additional information on that in a closed session.

Our other CT efforts focus on building our partner capacity and capability and enabling their operations. Our approach is characterized by the term "by, with, and through," and what we mean by that is that our military operations against terrorist organizations are generally conducted by our host nation partners. U.S. forces work with our partners to train, equip, advise, enable, and when authorized accompany them on actual operations to improve their effectiveness and their professionalism. And through this cooperative relationship, the United States can our allies and partners achieve our shared strategic goals.

Secretary Mattis has placed a significant emphasis on building and strengthening these partnerships. In addition to bilateral relationships with individual countries, we also work through regional security organizations and collective security missions, such as the African Union Mission in Somalia (AMISOM) and the G5 Sahel Task Force. We also work closely with the North Atlantic Treaty Organization (NATO) Alliance to help ready other partners for a variety of CT efforts. Together, all these partners help reduce the requirement for U.S. forces overseas.

Our "by, with, and through" approach provides the foundation of our CT efforts and capacity building in key regions such as Africa's Lake Chas region, North Africa, and the Horn of Africa, and increasingly in Southeast Asia.

As we build the capacities of these partners to bring the fight to these violent extremist organizations (VEOs) in the short term, we are also shaping and helping sustain their own security for the long term. Ultimately, filling the security void in these regions will help advance our desired end State.

All of these challenges require flexible, adaptable tools, and the Department is grateful for Congress' efforts to provide DOD and the Department of State a variety of authorities. For instance, the efforts to reform the security cooperation authorities in the 2017 National Defense Authorization Act (NDAA) have led us to be able to streamline our CT assistance.

Regarding legal authorities, the 2001 authorization for the use of military force remains a cornerstone of our ongoing U.S. military operations and continues to provide us the domestic legal authority that we need to use force against al-Qaeda, the Taliban, their associated forces in the Islamic State.

Finally, while focused principally on operations against terrorists abroad, DOD also supports its Federal law enforcement partners in

this shifting threat environment. One of the ways that we do that is through robust information-sharing processes, including biometric data. These information-sharing agreements contribute to the government's expanded screening and vetting efforts, biometric data collected on the battlefield, whether by the United States or our international partners, is provided through DOD databases to Federal law enforcement agencies.

Similarly, DOD retains a robust antiterrorism force protection posture based in part on information provided by the FBI, gleaned from its own investigations. That may have bearing on DOD personnel and facilities.

In closing, I would like to say thank you again for the opportunity to appear before the Committee on this critically important topic, and the Department of Defense appreciates your leadership and oversight in this area.

Thank you.

Chairman JOHNSON. Thank you, Mr. Mitchell.

Our next witness is Lora Shiao. Ms. Shiao is the Acting Director for Intelligence at the National Counterterrorism Center. In this role, she oversees NCTC's efforts to analyze, understand, and respond to the terrorist threat and provide insight and situation awareness of developing terrorism-related issues around the world. Ms. Shiao.

TESTIMONY OF LORA SHIAO,¹ ACTING DIRECTOR FOR INTELLIGENCE, NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Ms. SHIAO. Good morning, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee. I am pleased to be here with my colleagues from DOD, FBI, and DHS.

As we have said in previous testimony, the terrorist landscape we face today involves more threats in more places for more terrorist actors than at any time in the past 16 years. Both ISIS and al-Qaeda have proven to be extremely resilient organizations.

To successfully meet the challenges of the counterterrorism and terrorism prevention mission spaces, we will need to respond with agility and flexibility, far more of both than our enemies can muster, and adopt collaborative approaches with State and local law enforcement, with our foreign partners, and with the private sector.

I will begin by addressing the current threat picture starting with ISIS and its continued setbacks on the battlefield. Though the group has lost a number of senior leaders, it has been expelled from almost all of its territorial strongholds and has suffered other significant defeats in the heart of its so-called caliphate.

These losses are depriving the group of what was once a key part of its global narrative, but it is worth noting that ISIS takes a long view of the conflict, and the group's leadership sees itself as having overcome hardships before.

The group has already adapted its narrative to compensate by portraying the struggle as a long-term process that will test the fortitude of its followers. So we expect that ISIS will revert to the model of its predecessor organization, al-Qaeda and Iraq, and be-

¹ The prepared statement of Ms. Shiao appears in the Appendix on page 40.

come an insurgency, with the long-term goal of attempting a resurgence.

Meanwhile, the group's external operations capabilities have been building and entrenching over the past 2 years, and as we have seen, ISIS has launched attacks in periods where it held large swaths of territory and also when it has been under significant pressure from the Defeat ISIS Campaign.

And unfortunately, we do not see ISIS's loss of territory translating into a corresponding reduction in its inability to inspire attacks. ISIS has either claimed or been linked to at least 20 attacks against western interests worldwide since January. The group has inspired attacks in the United Kingdom (UK) and throughout Europe, and of course, most recently in the United States, in New York City on Halloween.

The number of arrests and disruptions we have seen worldwide tells us that ISIS's global reach remains largely intact, even as the group is being defeated on the battlefield.

When speaking about the global threat, as focused as we are on the challenges from ISIS, al-Qaeda has never stopped being a top priority for the counterterrorism community. We remain concerned about al-Qaeda's presence in Syria. We know that there are veteran al-Qaeda operatives there, some who have been part of the group since before September 11, 2001.

The various al-Qaeda affiliates have also managed to sustain recruitment, maintain local relationships, and derive sufficient resources to enable their operations.

So we see this continued revolution of al-Qaeda as evidence of its resiliency, and we know that it retains the intent to carry out attacks against the United States and our interests.

I have outlined this dynamic threat that we face from ISIS and al-Qaeda, but it is worth reiterating that here in the United States we are most concerned about homegrown violent extremists, especially as extremist propaganda encourages simple tactics and readily available weapons that do not require specialized training and present fewer opportunities for law enforcement detection.

When it comes to tackling a threat of those mobilized extremist violence particularly here in the United States one of the areas where we as a counterterrorism community have made great strides and where we continue constant improvements is in sharing intelligence across national security organizations and with a full array of State, municipal, local and law enforcement and first responder professionals as well as with our foreign partners.

We at NCTC bring to bear our unique access to all sources of counterterrorism information and a whole-of-government coordination function, and those are capabilities that become even more important in an increasingly diverse threat environment like the one we are facing today.

Our tactically focused analysts are constantly pursuing non-obvious and unresolved threads that could yield relevant information, and passing intelligence leads to our partner agencies who can act on them. Our strategically focused analysts look for trends and context that can be shared with those serving our first lines of defense against terrorism.

In the strategic planning realm, our efforts provide government-wide coordination and integration of department and agency actions on key lines of effort, ensuring that all instruments of national power are being leveraged against the threat.

We are focused on improving the counterterrorism toolkit beyond the hard power tools of disruption and believe it requires greater investment in terrorism prevention, specifically in the United States to stop the recruitment of American youth, and to ensure we are equipped to respond and prevent all forms of violence.

By leveraging Federal, State, and local partners, including the private sector, we can create a culture of prevention and a greater degree of resilience in our communities across the Nation.

I will end there, Mr. Chairman, and thank you and the Committee for your continued support to the outstanding officers who are dedicated to the counterterrorism mission. I look forward to your questions.

Chairman JOHNSON. Thank you, Ms. Shiao.

Our next witness is Nikki Floris. Ms. Floris is the Deputy Assistant Director for Counterterrorism for the Federal Bureau of Investigation. In her role, she oversees domestic and international terrorism financing operations, strategic operations, and counterterrorism analysis. Ms. Floris.

TESTIMONY OF NIKKI L. FLORIS,¹ DEPUTY ASSISTANT DIRECTOR FOR COUNTERTERRORISM, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

Ms. FLORIS. Good morning, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee. Thank you for the opportunity to appear before you today. I look forward to discussing the changing threat landscape with respect to the destruction of ISIS' physical caliphate and efforts by the FBI and its partners to counterterrorist threats within this changing environment.

I have been working in the Counterterrorism Division in the FBI for the better part of the last decade, and I have watched this organization continuously evolve to address the most concerning and imminent threats posed by extremists. Preventing terrorist attacks has been and remains the FBI's top priority.

The FBI assesses that ISIS and homegrown violent extremists, pose the greatest threat to U.S. interests in the homeland and abroad. With ISIS, we are dealing with a group that at one point was able to coordinate and direct external attacks from its safe haven in Syria and Iraq while simultaneously advocating and propagating lone wolf attacks in western countries. Though degraded, we are now faced with these threats as well as the possibility of foreign fighters returning to their home countries, some having gained valuable battlefield experience in a network of like-minded extremists.

At home, we are faced with a continuing threat of HVEs, those inspired by the global jihad movement though not directly collaborating with a foreign terrorist organization. HVEs can plan and execute an attack with little to no warning due to their operational security and familiarity with the intended target.

¹ The prepared statement of Ms. Floris appears in the Appendix on page 46.

The compartment and nature of lone offender attack planning challenges the ability of security services to detect preoperational activity and disrupt attack preparation, while complicating the intelligence community's (IC) efforts to determine potential overseas connections and motivations.

As I said, the FBI has evolved, and we must continue to do so, not just evolve to face new threats, but old threats that use new and creative tactics, techniques, and procedures. Probably, more than ever, the rapid evolution and the way the world uses technology is impacting the way we work to keep America safe.

As technology advances, so too does terrorist use of technology to communicate, both to inspire and to recruit. Their widespread use of technology propagates the persistent terrorist message to attack U.S. interests here and abroad.

Many foreign terrorist organizations use various digital communication platforms to reach individuals they believe may be susceptible and sympathetic to extremist messaging. However, no group has been as successful as drawing people into its perverse message as ISIS.

ISIS uses high-quality traditional media platforms as well as widespread social media campaigns to propagate its extremist ideology. We have even seen ISIS and other terrorist organizations use social media to spot and assess potential recruits.

Through the Internet, terrorists overseas now have direct access to our local communities to target and recruit our citizens and spread the message of radicalization faster than we imagined just a few years ago. Unfortunately, the rapid pace in advances in mobile and other communication technologies continues to present a significant challenge to conducting electronic surveillance of criminals and terrorists. There is a real and growing gap between law enforcement's legal authority to access the digital information and our technical ability to do so.

The FBI refers to this growing challenge as going dark, and it impacts the spectrum of the work we do in the FBI. In the counterterrorism context, for instance, our agents and analysts are increasingly finding that communications between groups like ISIS and potential recruits occur in encrypted private messaging platforms. As such, the content of these communications is unknown.

As a threat to harm the United States and U.S. interest evolves, we must adapt and confront these challenges, relying heavily on the strength of our partnerships, partnerships within the intelligence community, with State and local partners, with foreign partners, and increasingly with the private sector.

The FBI will continue to evolve promoting a culture of innovation and using all lawful investigative techniques and methods to combat these terrorist threats to the United States.

We will continue to collect, exploit, and disseminate intelligence to inform and drive our operations on a daily basis. In doing so, we will remain agile in our approach to combating threats by re-aligning resources as necessary in the current dynamic threat picture.

Chairman Johnson, Ranking Member McCaskill, and Committee Members, I thank you for the opportunity to testify concerning the evolving threats to the homeland and the challenges we face in

combating these threats. I am happy to answer any questions you might have.

Thank you.

Chairman JOHNSON. Thank you, Ms. Floris.

Our final witness is Robin Taylor. Mr. Taylor is the Acting Deputy Under Secretary for Intelligence and Analysis (I&A) at the Department of Homeland Security. In this role, Mr. Taylor is responsible for key intelligence activity supporting DHS; State, local, tribal, territorial, and private-sector partners; and the intelligence community. Mr. Taylor.

TESTIMONY OF ROBIN TAYLOR, ACTING DEPUTY UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. TAYLOR. Good morning, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee. I would like to take a moment to thank you for the invitation to speak before you today regarding DHS's Office of Intelligence and Analysis' unique role in sharing information and intelligence with our Homeland Security partners in order to better prepare them and inform them of CT activities occurring within the Nation. It is truly an honor to be here.

My testimony has been submitted for the record,¹ and with your permission, I will have a few opening remarks.

First, let me make a comment and thank the dedicated men and women of the Department of Homeland Security and specifically those at the Office of I&A for their relentless service to our Nation. They have an enormous task or mission focus, are passionate, and work tirelessly every day to shield our Nation from terrorists and other threats, and for that, they deserve our thanks and recognition.

DHS shares the concerns as previously expressed by my colleagues today. Our perspective that the terrorist threat to our country is changing, as such we need to change and adjust as well.

While the threat of carefully planned large-scale operations that are plotted by global jihadist groups such as ISIS and al-Qaeda remain a concern, the trend of homegrown violent extremism, such as we saw in New York City on Halloween, are alarming.

As Acting Secretary Duke recently testified before this Committee, DHS is rethinking homeland security in the new age. The line between the home game and the away game is now blurred. The dangers we face are more dispersed, with the threat of networks that proliferate across our borders, both physically and in the cyber realm.

As a result, DHS is changing its approach to homeland security. We are working to better integrate our intelligence and operations, to enhance and streamline inner-agency engagements, and to boost our engagement and information sharing with both our international and domestic partners.

It is a critical time, and we must work to build as complete a threat picture that is facing our Nation as possible to enable our

¹ The prepared statement of Mr. Taylor appears in the Appendix on page 50.

front-line officers the ability to respond to and mitigate to these new threats.

In support of these efforts, I&A works to provide our homeland security enterprise partners the most timely and relevant information and intelligence needed to keep the homeland safe, secure, and resilient.

As you are aware, I&A is the only member of the U.S. Intelligence Community statutorily charged to deliver intelligence to our State, local, tribal, and private-sector partners. In meeting this obligation, we endeavor to develop and share unique homeland-focused intelligence and analysis from DHS and our other IC partners at the lowest classification level possible to ensure our stakeholders are informed of the persistent CT threat, thereby allowing them to better identify, disrupt, and respond to the developing threats occurring within their areas of responsibility.

Working along with our FBI and other IC colleagues, we assess motivations of HVEs, identify and observe behaviors, and report and share developing terrorist tactics and techniques with our partners. We are committed to this effort.

Let me conclude the terrorist threat is dynamic, and those who operate individually or are part of a terrorist organization will continue to challenge our security measures here and abroad. No single agency or organization can accomplish this mission of keeping the homeland safe alone, nor can any one person, organization, or program do everything possible to prevent the next terrorist attack.

But when we work together, we share information, utilize tools and programs that are collaborative, we are stronger, and we make a difference.

DHS will continue to work alongside of our colleagues from the FBI, NCTC, and DOD, and along others across the Federal Government and with our State and local partners to identify potential threats that are risking our interest abroad and our community here at home.

Again, Chairman Johnson, Ranking Member McCaskill, thank you for the opportunity to speak before you today. I look forward to your questions.

Chairman JOHNSON. Thank you, Mr. Taylor.

Again, I want to thank all the witnesses for your testimony and for your service to this Nation. I appreciate the fact that you also acknowledge the service to all the men and women that serve in your agencies, and we certainly want to acknowledge and recognize that as well.

Again, to be respectful for other Members' time, I appreciate their attendance, so I will just defer my own questioning until the very end.

Senator MCCASKILL. Thank you.

As I indicated in my opening statement, I am really worried about the cuts that have been proposed by this Administration to the very programs that address everything you all talked about.

Let me ask you first, Mr. Taylor. Has the White House through the Office of Management and Budget (OMB)—the budget that is gone over for the next fiscal year, your Department put together, and this has all been under the Administration of Donald Trump, and the people that are there at the top levels of that Department

are in fact people who were put there by the President. So you all have sent a budget over to the Office of Management and Budget. Have they agreed with you on the amounts that you have request to fight terrorists in the United States for the next fiscal year?

Mr. TAYLOR. Senator, thank you for your question.

I am aware of the letter in which you recently sent last week to the Department, and it is my understanding that the Department is working expeditiously to answer and meet your deadline of December 20.

Senator MCCASKILL. That is a different—I am talking about you all put together your budget, and the way this works is you send it over for them to then weigh in. So you all have sent over to OMB a budget, what you think is necessary to fight terrorism in this country. My question to you is, Have you heard back from them? Do they agree with your request as it relates to fighting terrorism?

Mr. TAYLOR. Madam, as I was mentioning, I do not have any direct visibility on the ongoings of that process. I was not part of that.

Now Secretary Nielsen has identified in her proceedings before you that she was concerned of the submission, and she would review that. I would just propose that as they are pulling together the final details to submit, in response to your letter, I need to defer to them. I just do not have the insight that you are asking for to provide you with—

Senator MCCASKILL. I am just curious because if I were in your job and we sent over a request for funding for the things that you directly work with every day—and it would appear to me that if OMB came back with “yes, we agree,” that would be something that would resonate through the agency, or if they came back and said, “No. We are doing away with all the VIPR teams. We are doing away with all of that stuff,” that would also be something that would resonate through the agency. Are you telling me there has been no word through the agency, one way or another, how the Administration has made a determination for the budget request that you all submitted a few months ago?

Mr. TAYLOR. Madam, I can just advise you that I have not had any visibility, nor was anything passed to me prior to the hearing today.

I think your concerns are certainly relevant. The impact of the billions of dollars that have gone to State and locals over the years have certainly built a capacity for preparedness and response, and any cuts to that are additionally a concern. But with that said and not understanding the calculus that was placed into the proposal that was submitted to the budget or to the President, I would have to say I am confident that what is proposed at least weighed and strived to manage the threats that are relevant in those areas that need to still be pushed forward for capacity building—

Senator MCCASKILL. Yes. The place I am going to be concerned is if we learn that, in fact, what the agency has asked for has been cut significantly. That is what is going to worry me.

I see the first year when the budget was prepared by another Administration, but if the folks that are there now that the President has expressed confidence in have said, “This is what we need to fight terrorism,” and OMB comes back and says, “No, not so fast,”

especially something like a VIPR team—a VIPR team is something that is used in our airports effectively.

Would anyone disagree the VIPR teams are effective in the airports? Any disagreement from any of the witnesses?

OK. How important in your opinion for—Secretary Mitchell, how important is the State Department's work in terms of counterterrorism?

Mr. MITCHELL. I think the State Department plays an important role overseas in aiding our counterterrorism efforts. They have a number of programs that support DOD's efforts, and DOD likewise supports the State Department's efforts.

Senator MCCASKILL. If you know for the record, now, but if not, if you would get back to me—I know this is not your Department, but we do not have anyone here from the State Department. There has been \$10 billion of cuts to the State Department. What, if any, impact has that had on the work that they are doing that is so vital in terms of diplomacy and other efforts in terms of augmenting what the Department of Defense is doing?

Mr. MITCHELL. I will have to take that as a question for the record——¹

Thank you.

Senator MCCASKILL. And finally, for the FBI, first of all, let me just say for both the intelligence community and the FBI that is represented here today, let me tell you that most Americans do not see the men and women who work in your agencies. They do not wear a police uniform, but they are just as much on the front lines as any first responder, law enforcement agent in the country. And anyone who denigrates the men and women who risk their lives in intelligence or in the FBI is undermining the foundation of rule and law in this country, and please carry back to all the men and women that work in both of your agencies how much we respect the service they give to this country. And that when people denigrate them for political purposes, many of us disagree with that.

And I do have a question about domestic terrorism, but I will save it to the next round because I am out of time.

Chairman JOHNSON. Senator Peters.

Senator MCCASKILL. Oh, wait. I have 52 seconds. I can get it in. [Laughter.]

FBI, I know you all have identified domestic terrorism movements, and you work in terms of trying to track those movements and the dangerous activities, violent activities that they sometimes engender. Would it be helpful to have a statute? You all have no statute to deal with domestic terrorism that would be similar to the international terrorism statutes that we have on the books, and that is hard for me to understand the rationale between that difference. Could you speak to that?

Ms. FLORIS. Sure. And first, thank you, ma'am, for your comments concerning the FBI and the intelligence community. Greatly appreciated.

Regarding domestic terrorism, you are absolutely correct. There is not a statute. We cannot charge someone with material support

¹ The response from Mr. Mitchell appears in the Appendix on page 63.

to a domestic terrorism group, and we actually do not have designated domestic terrorism groups.

Whether or not that statute would help, I would certainly defer to my colleagues at the Department of Justice, but absolutely, I believe that would help as another tool in defending the Nation against domestic extremists, absolutely.

Senator McCASKILL. Because we certainly have had more domestic extremist attacks in this country over the last several years than we have had terrorist attacks; is not that correct?

Ms. FLORIS. I would have to go back, ma'am, and look at the exact numbers. I know on the disruption front, on both domestic terrorism and international terrorism over this last year, over a hundred, both domestic terrorism and over 100 international terrorism disruptions in the United States.

Senator McCASKILL. Thank you.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Peters.

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman and Ranking Member, for calling this hearing, and to our witnesses, thank you for your testimony today. And thank you for being on the front lines of thinking how we deal with this threat that affects us each and every day.

In listening to your comments, I certainly noted the trends that you are seeing with ISIS and Syria and Iraq and that we have been very effective. I just got back from a trip to Iraq, and I know we have been very effective in taking territory away from them and certainly changing the narrative that they use as a result of that, but as was mentioned, they still pose a significant threat to us in the cyber domain. And it is certainly my belief and I think it is probably the belief of each and every one of you that probably the most significant national security risk we face as a country comes from the cyber threat that we must deal with.

Given that, there was a recent blog post by former Secretary of Defense Ashton Carter, and I would love to have each of you respond to his comments. And in that blog post, he stated that he was "largely disappointed in cyber command's effectiveness against ISIS." He assessed that the U.S. Government failed to produce any effective cyber weapons or techniques to counter the ISIS threat.

Just curious as to your reaction to that. Are we producing effective weapons? If not, what do we need to do?

We will start with you, Mr. Mitchell.

Mr. MITCHELL. Thank you for the question, Senator.

I think we have been effective against the Islamic state in their cyber realm, in their media production. Most of that has come, though, on the battle field, but we have also done some efforts that I think exceed the classification of this forum and would be glad to talk about those in a different arena.

Senator PETERS. Well, I appreciate that, and we do not need—the question was not asking those types of questions, but generally, are we resourcing this properly enough? Do we need to do more as a Committee that can work with you to make sure that we are dealing with the issue effectively?

Mr. MITCHELL. I think the one area—again, cyber is not my portfolio within the Department. It belongs to Ken Rapuano, who I think this Committee is familiar with. But the one area where I do see an issue is defining what constitutes traditional military activities in cyberspace where there are no boundaries and identifying the proper role of various departments and agencies with respect to those operations.

I think it is less a question from my perspective of weapons and authorities as it is permissions and delineation between the respective departments.

Senator PETERS. Ms. Floris, I will jump to you on this question. As you answer this, but in particular, I would like you to elaborate on a comment that you made during your testimony, whether we need to find real partners in the private sector if we are going to effectively deal with the cyber threat. Obviously, with some of our social networking providers like Facebook, Twitter, YouTube, and others have made some positive steps forward, but I assume they need to do more as well as other sites. So would you elaborate on how we deal with the cyber threat here in our country by actively engaging private enterprise?

Ms. FLORIS. Absolutely, sir. As I mentioned, we are increasingly looking to build our relationships with the private sector partners, these companies that have access to data, to individuals, to algorithms that are really on the front line of some of the individuals that we are looking to identify.

I think one of the biggest gaps right now is what we like to call identifying the unknowns. Who are those individuals who are not necessarily on the radar of the intelligence community right now, and do these private-sector companies have access to information that could essentially identify someone that then would be of investigative concern to the FBI? So really looking at retail sectors, banking sectors, individuals out in the community who have expressed a willingness to work with the U.S. Government when it comes to national security concerns.

Thank you.

Senator PETERS. Thank you.

Mr. Shiao, I want you to answer this question too. I want to pick up and have you expand on a comment you made in your testimony. Although ISIS has lost territory, we have not stopped their effectiveness to potentially strike the homeland. I assume that is through the cyber threat, but if you could elaborate on that comment while addressing the cyber question?

Ms. SHIAO. Absolutely. Well, from a purely cyber perspective, I think it is worth emphasizing that ISIS really has minimal hacking skills. They are able to deface websites. They have put out hit lists of personally identifiable information (PII) on westerners, but this is primarily for intimidation. It is not a key strength for them. So I just want to make that distinction and then talk a little bit about the propaganda space, where obviously they have had much more impact.

One thing I will say about the propaganda space and in terms of HVEs in particular, there is a lot of information out there. We can say it is thick in the HVE bloodstream already, so to speak. So even as we are able to degrade some capabilities to continue to

put out and sustain the pace of media releases, we are aware that there is plenty of extremist content out there already in cyberspace.

In terms of particularly the companies, as you mentioned, Twitter and Telegram and several others have really worked on their capability to automatically identify and delete ISIS-related content, but they are very challenged because ISIS is quickly able to reconstitute those accounts and to migrate to new platforms.

We had seen them in the past relying on Twitter and Telegram to spread their extremist content, but they are using other platforms now. They are using something called Baaz, which is a social media app that is geared toward the Middle East, and we have seen them kind of adopt this widespread use of private groups and encrypted apps as well. They share their video content largely on free file-sharing sites. Archive.org is one of those.

When it comes to working with the companies, we think that they have great intent to want to tackle this, but sometimes they lack the CT expertise. So we at NCTC have reached out to them and been engaging on ways we can be helpful in terms of providing education and sharing insight, and of course, as I alluded to in my remarks, making sure that there are alternate narratives available.

Senator PETERS. Mr. Taylor, we have limited time, but I would love to hear your thoughts.

Mr. TAYLOR. Thank you, Senator.

I think on two fronts. One, of the cyber threat aspect, DHS's Office of National Protection Programs Directorate (NPPD) really leads our response in working with the critical infrastructure component as it comes to the private sector.

DHS Office of Intelligence and Analysis informs them through identifying the threat that is posed to the critical infrastructure and then allowing them to work with the private sector to identify and mitigate the threat, what is the appropriate response, and what are long-term vulnerabilities associated with it.

I would also just comment very quickly on the propaganda aspect that DHS has been working with the tech companies on the Global Internet Forum to combat terrorism, which is really trying to help them learn to police themselves and identify the terrorist content that is posted and allow them to quickly remove it from the Internet.

Senator PETERS. With that, I will yield my time. I appreciate it. Thank you very much.

Chairman JOHNSON. Senator Harris.

OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you.

Ms. Flores, a few questions for you, but first, I hope you will relay to the men and women of the FBI that we deeply and profoundly appreciate their work, their professionalism, and their service to this country, the work that they do that ranges from enforcement of laws as it relates to human trafficking and transnational criminal organizations (TCOs) to the work that they do contributing to our national security. It is critical work. They do it often without any recognition. They leave their homes knowing that they are putting themselves and their family at risk and all in service to our country. So please relay to the men and women

of the FBI how much we appreciate their work and their service to our country.

So the question that I have, as you know, ISIS has been successful over the years in radicalizing people online through jihadist propaganda. The New York Times has reported that until recently, hundreds of hours of Anwar al Awlaki's talks were on social media within easy reach of anyone with a phone or a computer.

At the same time, we are witnessing growing social media use through official and personal accounts of some of the highest officials in the White House and the Federal Government. This heightened social media usage can have far-reaching implications for our foreign policy with our allies and can shape the extremist propaganda used by our enemies.

So my question is, Has the FBI examined the role that social media posts or videos from our own government officials affect the online recruitment tactics used by ISIS? Have you done that assessment, and what is it?

Ms. FLORIS. First, ma'am, thank you again for your comments regarding the work of the FBI.

Regarding posts specifically by members of the government and how that impacts radicalization, we have not looked into that. We have looked at how the Internet plays a role in radicalization writ large and certainly concur with my NCTC colleague that the Internet is the primary vehicle of which our subjects use to radicalize and then mobilize.

As it relates specific to your question, ma'am, we just do not have that data available.

Senator HARRIS. And have you counseled or advised our own Federal Government officials about their use of social media as it relates to the content that could be used for jihadist propaganda?

Ms. FLORIS. Within the Counterterrorism Division, we have not, but I can certainly take that question back to see if any of my colleagues within the FBI have.

Senator HARRIS. Thank you.

As jihadist propaganda increasingly makes its way on to social media and the Internet, has the FBI considered issuing any guidance to companies to curb online recruitment and homegrown violent extremism?

Ms. FLORIS. So the FBI specifically has not directed these companies to take down extremist material. We have seen companies do it on their own accord, but it is not at the direction of us, more in concert with our efforts.

Senator HARRIS. Thank you.

Ms. FLORIS. Sure.

Senator HARRIS. Ms. Shiao, you testified that the number of ISIS fighters in Iraq and Syria has significantly decreased, and I have been to Iraq, as has Senator Peters and most of us I think on this Committee, to see the remarkable effort that your agency has made and the great work of our U.S. servicemembers and coalition partners as we counter ISIS.

However, ISIS still maintains a number of branches, as you know, outside of Iraq and Syria, notably in North Africa, West Africa, South Asia, and Southeast Asia. In your testimony, as Senator Peters mentioned, you asserted that despite the progress that has

been made on the battlefield against ISIS that its capacity to carry out terrorist attacks has not yet been sufficiently diminished because of the robust social media capability and ability to reach sympathizers around the world.

As warfare evolves from physical to online, I have heard people talk about it as a bloodless war. Has our national security strategy kept pace with this shift?

Ms. SHIAO. Well, I can definitely talk about some of our efforts on terrorism prevention, and I would invite DHS to chime in as well because they are the lead on many of those efforts, but at NCTC, we have developed tools. We have a community awareness briefing. It is designed to catalyze community efforts, to prevent individuals from mobilizing. We have presented that to audience around the United States and also overseas, not just law enforcement and public safety, but also directly to communities. And then we are training locals to be able to do that same kind of engagement.

And another important effort is the Terrorism Prevention Planning Workshop. That is also in cities around the United States and that is really taking a particular scenario of an individual, radicalizing to violence, and then bringing together the community voices and law enforcement to talk it through, to identify the gaps that there are, and to create an action plan for when something like this can happen in reality and to just promote trust between them in general.

But I would defer to DHS to talk a little bit more on terrorism prevention.

Mr. TAYLOR. Senator, thank you very much for the question.

There is two folds when it comes to the prevention piece. Last week, Acting Secretary Duke identified a new organization which is the Office of Terrorism Prevention and Partnership, which is a re-tool of a previous office within I&A, and the real goal is that it is trying to, one, create awareness within the communities of what threats that are there and many of which that may be facilitated through the Internet, but informing the resources that are there trying to change the message when it comes to the radicalization that is also being promulgated on the Internet, and work with those voices that are within the communities and that are credible in order to try to change the ground game when it comes to the State and locals that are there.

The other aspect of this is also trying to better identify early warning type of things, trying to work with the State and local law enforcement, and also with those community partners in order to ensure that they have as much information as we can provide them with what those threats are coming and being promulgated from the Internet so that they can take action. And that goes through training and just community awareness.

Senator HARRIS. Thank you.

My final question is for Ms. Floris. As Attorney General in California, we implemented an implicit bias training for law enforcement in the State. It was a collaboration of leaders in law enforcement and others, because we understand that no one is immune from biases, and as you know, implicit bias should not be inferred

as accusing someone of being racist or it should not be assumed to be a criticism. We are all subject to bias.

So my question is that it is my understanding that Director Comey required FBI agents and analysts to receive this training. Has the FBI continued this mandatory policy of providing implicit bias training for the agents and the lawyers of the agency?

Ms. FLORIS. Thank you. I do remember that training. I would have to go back and see if it is continuing under Director Wray's leadership.

Senator HARRIS. OK. And please follow up with this Committee.

Ms. FLORIS. Yes, ma'am. Sure.

Senator HARRIS. Thank you.

I have nothing else.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chairman and Ranking Member McCaskill, for holding this hearing.

Thanks to all of the witnesses today for not only being here but, as importantly, if not more importantly, for your work, and I will add my thanks to the thanks you have heard from other Members of the Committee for the women and men under your leadership for everything they do to protect our country. We are very grateful.

I wanted to start with a question, Ms. Shiao, for you because I want to discuss the thread of foreign fighters.

Last year, then FBI Director Comey alluded to the possibility that there would be a flight of ISIS fighters after Raqqa fell. These fighters would return to their countries of origin or to other countries and carry out attacks against the West, was the theory.

Before this Committee in September, NCTC Director Rasmussen gave the impression that the intelligence community's assessment was that ISIS foreign fighters would treat Raqqa as their Alamo and fight to the death to defend this so-called caliphate.

Since that hearing, Raqqa has fallen, but news reports have indicated that rather than fighting to the death, many ISIS fighters fled the city. For instance, the Department of Defense's own news service published an article on October 10 entitled "ISIS Fighters Continue to Flee, DOD Spokesman Says." So, Ms. Shiao, can you set the record straight on the current ISIS foreign fighter threat, now that Raqqa has fallen?

Ms. SHIAO. Absolutely. Thank you for the question.

So we still expect that many foreign fighters have and will stay to fight in the theater and possibly die there, as we have seen in previous battles, but at least some will leave.

This does not mean that they are necessarily going to return to their countries of origin, however, nor that they are going to congregate in a particular conflict zone. In fact, in terms of trend analysis, we have not seen either of those things yet.

But it is worth remembering, I think, in this discussion that it is not actually very easy to leave that region. So the foreign fighters would have to cross basically three hurdles. One, they would have to escape ISIS control, which is not an easy thing to do. ISIS often requires that they ask permission to leave areas of control and threatens retaliation against them as well as their families.

The second thing they would have to do is evade the military forces in the region.

Senator HASSAN. Yes.

Ms. SHIAO. And the third thing is secure travel documents and financial support to get out as well.

So I think it is worth noting that Turkey has worked with the United States to secure large portions of the border with Syria. They have deported individuals that they assess belong to ISIS, and they have added more weapons and manpower as well along areas of the border.

Senator HASSAN. So do we have our own strategy for dealing with the ISIS foreign fighter threat post fall of the caliphate?

Ms. SHIAO. Well, certainly, when it comes to foreign fighters, we have been engaged in working to ensure with DOD and with our foreign partners that we have as much information about terrorist identities as possible, so we can feed that into NCTC's Terrorist Identities Datamart Environment (TIDE). TIDE is the basis by which all individuals trying to enter the United States through any form of immigration benefit, whether it is the refugee program, whether it is visas are screened against. So we work with our partners to make sure that that information is as robust as possible.

And as Mr. Mitchell mentioned, one of the key areas that we are continuing to work on in that screening arena is biometric information, which will be a leap forward.

Senator HASSAN. Right. Thank you for that answer, and let me turn to Mr. Mitchell because this next question really falls right on what Ms. Shiao was just talking about, because I want to touch on the report from the British Broadcasting Corporation (BBC) from November 13 that indicated that the United States approved a deal to allow ISIS fighters and their families to flee Raqqa.

And, Mr. Chairman, I would like to enter that news story into the record.¹

Chairman JOHNSON. Without objection.

Senator HASSAN. Thank you.

Here are a couple of the key points from the news story. The convoy, according to one of the drivers interviewed, was 6 to 7 kilometers long, included almost 50 trucks, 13 buses, more than 100 of ISIS's own vehicles, and tons of ISIS weapons and ammunition. The convoy included scores of foreign fighters from "France, Turkey, Azerbaijan, Pakistan, Yemen, Saudi, China, Tunisia, Egypt." It also reportedly included some of ISIS's most notorious members.

A Pentagon spokesman indicated that this was not a U.S.-orchestrated deal, but that an agreement had been reached to screen ISIS aged males who were leaving as part of the convoy.

It is clear that anyone who left Raqqa as part of that ISIS convoy could potentially be a future terrorist threat, and especially any foreign fighters among them. Therefore, it is critical that the United States take proper precautions to screen and collect fingerprints for everyone on that convoy.

So I would like to drill down on exactly what kind of screening took place. First, to you, Mr. Mitchell, who agreed to this deal and

¹ The news article appears in the Appendix on page 53.

this process, and did we administer the screening? And did all members of the convoy have their fingerprints collected?

Mr. MITCHELL. I thank you for the question, Senator.

I am not familiar with the BBC report. I do recall the discussions of the convoy, but I did not have any insight. Those decisions were made by the tactical commanders on the ground.

Senator HASSAN. OK.

Mr. MITCHELL. And I would be glad to get back to you with additional information to answer that question.

Senator HASSAN. That would be terrific. Thank you.

Mr. MITCHELL. But what I do want to address is one of the things that we have done on the battlefield—

Senator HASSAN. Yes.

Mr. MITCHELL [continuing]. Is we have equipped our SDF partners and our Iraqi partners, even folks that were not actively with biometric screening tools, so that every fighter they encounter on the battlefield is being biometrically screened and enrolled, and that information is being passed to us. So that is the first thing that we are doing.

The second thing is the Department of Defense in 2014 stood up an effort to address really at that time the flow of foreign fighters in, but it has since shifted to the flow of foreign fighters out. Jordan has over 24 international partners, both military, law enforcement, and international organizations. That is a forum where we not only share information, principally unclassified publicly available information, and we help these other partners to take their proprietary information from their country about individuals who might have left to look at social media and other publicly available information, to combine it with that. They share all that with the United States, and then they have an opportunity to share with other partners.

Again, it is specifically focused on identifying that flow of foreign fighters. It is complementary to the work that is done in the intelligence communities.

Senator HASSAN. Yes.

Mr. MITCHELL. But I would be happy in a different forum to provide some information on the successes that we have enjoyed there.

Senator HASSAN. Well, that would be great, and my time is up. So I will just say that I have some follow up questions for you all about how this information is coming back to our watch list and the like, and I would look forward to submitting those questions on the record and getting your responses. Thank you.

Chairman JOHNSON. Thank you, Senator Hassan.

Ms. Shiao, I was encouraged by your testimony in terms of the flow of the dead-enders, I guess. Outside, it is very difficult to do. What are the primary escape routes? We had the migrant flow when Turkey was not really enforcing its borders. Has that been the most significant reason we have been able to clamp down on that? What are other escape route potentials?

Ms. SHIAO. Certainly, Turkey has been a key area of concern. The migrant flow into Europe has improved in the last year or so. As you know, ISIS sent several operatives into Europe for attacks back in 2015 by exploiting that migrant flow of both refugees and migrants themselves, and it has been difficult for our European

partners to fully vet each individual, but there have been increased border controls put in place since that time. And the EU-Turkey Migration Agreement, which was signed back in March 2016, we think that also stemmed the flow a bit.

And I would just reiterate when we talk about this, I mentioned already the fact that we work very closely with our foreign partners to make sure that all of the information that is available on terrorist identities becomes part of TIDE and is useful in terms of screening.

But I also just want to emphasize that unlike in the European space, in the United States applicants who are applying for things like refugee benefits have little or no control over where they are going to go. They apply through the United Nations (U.N.), and the U.N. determines where they are going to refer them based on many factors, things like their health, whether they have family in a particular place. So that in conjunction with the robust screening that I have mentioned is definitely something that I think puts us in better stead than our European partners, but some of the challenges that they face to disruption are very similar in terms of the use of secure mobile messaging apps and the fact that these days, we are seeing an emphasis in propaganda on using widely available materials that make it more difficult for law enforcement to detect sort of a lower barrier of entry into that space.

Chairman JOHNSON. The biggest risk of ISIS fighters escaping the war zone in Syria was really through Turkey, correct? There is really not—

Ms. SHIAO. Yes.

Chairman JOHNSON [continuing]. Very attractive escape routes elsewhere, correct?

Ms. SHIAO. Yes.

Chairman JOHNSON. Can you just assess the current relationship between al-Qaeda and ISIS?

Ms. SHIAO. The current relationship between al-Qaeda and ISIS, well, there will be rivalries there, but that is definitely the case. And in some places, for instance, Somalia, there is open hostilities between ISIS elements and al-Qaeda-aligned elements like Shabaab.

Chairman JOHNSON. But there are also areas of potential agreement and cooperation, and will that relationship continue to evolve?

Ms. SHIAO. Sure, it will.

I mean, I do think in terms of—a good point to make about HVEs, because we talk about the two groups as being very separate, the typical HVE, both here or someone who is self-radicalizing and inspired by on the Internet, these distinctions between which group, whether it is ISIS or al-Qaeda, whether it is current propaganda or whether it is something very historic like the Awlaki things that are available in large abundance online is not necessarily important. It is the resonance of the material and the overall message, some of the themes coming against the United States and the West as fundamental enemies, which are probably what is going to resonate most with those kinds of individuals.

Chairman JOHNSON. Mr. Mitchell, in a hearing in the Senate Foreign Relations Committee, Chairman Corker talked about 19

different nations or countries that we have a Defense Department presence trying to combat this type of terror threat. Which are the most likely failed States that could be set up as a new base of operations for either ISIS or al-Qaeda?

Mr. MITCHELL. Thank you for the question, Senator.

I think the areas that we have seen that are the most troubling and provide the most potential for ISIS in particular to establish a new base, first of all, would be Yemen, which has—I think everyone on the Committee is well aware, it has a failed government and is racked by civil war. Even when it was not civil war, there was extensive conflict within the society and support for al-Qaeda, and now we have seen some support for the Islamic State there in Yemen.

Libya, another failed State already. We have seen ISIS attempt to establish a foothold there. They have not been successful. We have managed to strike some of their training camps and set them back pretty significantly, but it is an area where I think we will see them continue.

And then in the Sahel, Southern Libya, Mali, Niger, the vast ungoverned spaces there are areas that we are particularly concerned with.

Chairman JOHNSON. What is the threat within Southeast Asia?

Mr. MITCHELL. We have seen a—first of all, within the Philippines, Marawi City, and the ISIS seizure of that and a siege that lasted several months. So that is an area of increased concern.

And then Indonesia increasingly has become a haven for Islamist extremists. And we have seen it not just in the—society at large but also in the government. One of the challenges that we face with a country like Indonesia and foreign fighters returning is that they do not have the domestic legal authorities to arrest and charge these people with anything, so that—they come, they go into society. Some of them do get arrested for other crimes, but we are concerned that prisons are serving as a source of radicalization. So the threat in Southeast Asia is definitely a concern for us.

Chairman JOHNSON. So based on our historical experience, we basically allowed al-Qaeda to develop a base of operation in Afghanistan, and then we allowed ISIS to rise in the ashes of what was al-Qaeda in Iraq. Would it be safe to say that a top priority of the Defense Department and really of our U.S. policy would be to prevent the buildup to a point where they have a pretty strong presence in a failed State? I mean, is that, first of all, the first step, a top priority in these 19 nations?

Mr. MITCHELL. Absolutely. That is one of the reasons, for example, why we are in West Africa and why we have been in Somalia and North Africa—because we recognized years ago that these were potential areas, and we are trying to get there, get ahead of the extremists movements there. Same within the Philippines and other parts of Asia. And so that is definitely part of the Department strategy.

Chairman JOHNSON. OK. I am going to have another line of questioning.

Senator Daines, are you ready to ask your questions?

OPENING STATEMENT OF SENATOR DAINES

Senator DAINES. Yes.

Chairman JOHNSON. Go ahead.

Senator DAINES. Thank you, Mr. Chairman, Ranking Member McCaskill.

Thank you all for testifying here today.

Since 9/11, the United States has made great progress in curbing terrorism around the globe, and we are thankful for that. As U.S.-backed forces regained control in Raqqa, President Trump aptly noted that—and I quote—“The end of the ISIS caliphate is in sight.” Yet our homeland remains very vulnerable. In fact, within days of the victory in Raqqa, a young man from Uzbekistan drove a truck down a bicycle lane in New York City killing eight, wounding a dozen others, in the name of Allah. This was noted by the Heritage Foundation as the 100th terror plot on U.S. soil since 9/11, just blocks away from One World Trade Center.

Defending the homeland is arguably more difficult than fighting terrorism abroad, given the patchwork of authorities and capabilities each agency provides as well as the inherent complexities of protecting civil society, without compromising constitutional liberties.

Over the past decade, extremist groups, such as ISIS, have increasingly leveraged social media to recruit as well as to radicalize. Fox News recently reported how Facebook is using artificial intelligence and machine learning to detect as well as filter these threats.

Mr. Taylor, you touched on this in your testimony. My question is, How can the government incentivize and leverage this activity among private businesses while at the same time preserving First Amendment rights?

Mr. TAYLOR. Thank you, sir, for the question.

I would say homeland security, as you know, is a shared responsibility, so it is not one entity, whether it is the FBI or NCTC, DOD, that is going to be able to respond and protect all aspects of the threats that are facing the country.

I think our biggest part from DHS's perspective is partnerships. It is a responsibility and one of the things that is in our core competencies is to work with our private sector, our State and locals, in order to best identify and provide them with the information that is relevant so that they can take action, so that they can police themselves when it comes to some of these areas, while also protecting people's First Amendment's rights for comments.

I think it is a significant challenge working with the private sector, whether it is with the critical infrastructure sector, which is 95 percent owned by private industry, in order to leverage the data that we own or we possess within the IC informing them at the level in which it can be actually actioned, so that they can take action to mitigate threats that they face, or to also identify whether it is insider threats, etc., that wish to do them harm.

Senator DAINES. The FBI has identified the Internet and social media as two of the greatest factors contributing to the terrorism threat landscape. In fact, one company in my hometown of Bozeman, Montana, has developed advanced technologies to deny, disrupt, and defend against advanced cyber risks, which were used ex-

tensively, in fact, during the last presidential election, and they helped identify four ISIS members in Germany this time last year.

Ms. Floris, how does the FBI's counterterrorism strategies address these threats, and how is the agency leveraging private-sector companies, new technologies, such as HOPLITE, to identify and investigate potential threats?

Ms. FLORIS. Thank you, sir.

I can certainly say that from the Counterterrorism Division's perspective, the increases in use in social media to radicalize and inspire individuals has certainly been a concern of ours, especially with the rise of ISIS, and we have significantly shifted resources to address this change and how they essentially reach individuals here in the United States.

I would say in the 2015 timeframe, this became more apparent than any other timeframe that we were tracking ISIS.

We continue to have outreach to the private-sector companies, dialogue about what the threat picture is, how relevant social media is to the increased threat picture we face here in the homeland.

Propagating terrorist messaging in and of itself is not a crime, so we are certainly limited based on what we can and cannot do with First Amendment-protected rights.

That being said, socializing these private companies to the threat and to how their companies in social media is being used to propagate the message then empowers them to do something on their behalf with the tools that they have in place within their own companies, and we have certainly seen some successes in the private sector industry, a more willingness to work with the U.S. Government, and essentially be part of the solution when it comes to thwarting these national security threats.

Senator DAINES. Having been one who spent 13 years in a cloud computing startup, I went from a small company to a world-class enterprise software operation. I am grateful that we are keeping an eye on some of these fast-moving, fast-developing startups. Oftentimes the greatest innovation is found—they always say nobody gets fired for buying—you fill in the blank—your large enterprise software company. I will not make anybody mad here by putting a name in there, but I think sometimes we see the best solutions coming out of the private sector and some of these smaller companies.

I want to shift gears here and talk about some cyber attacks, one that was very relevant to my State, and a clandestine cyber attack. These have become the preferred weapon of our adversaries to adversely affect Americans here at home.

We had a recent attack on a Montana school in Columbia Falls by an overseas actor. It forced the closure of several schools. It affected over 15,000 students.

Ms. Shiao, how is the intelligence community staying ahead of these threats, and is the information gathered being used in meaningful ways to reduce these types of attacks?

Ms. SHIAO. I can definitely speak to this from the perspective of terrorist use of the Internet, and at NCTC, we coordinate whole-of-government integrated action on terrorist use of the Internet,

particularly ISIS, as part of the larger defeat-ISIS strategies that we develop.

In the analytic community, it is obviously a large focus of our attention to make sure that we accurately assess all terrorist cyber capabilities. As I had said, earlier, we do not see hacking skills as one of ISIS's core strengths in particular. For them, we worry about the propaganda space, but I am happy to defer to DHS or others who cover cyber more broadly than just from a terrorism perspective.

Senator DAINES. Thoughts on that, Mr. Taylor?

Mr. TAYLOR. Sir, I would say from DHS's perspective, part of our goal is to inform those, whether it is State and local government or private-sector entities, of the threat that has been identified from the IC, getting it into a level that it can be shared and passed on to the State and local network defenders, etc. so that they can take the proactive or mitigation activities in order to eliminate the threat.

It is something in which our National Protection and Programs Directorate does every day with taking that information and working with those sectors, and with those State and locals, whether it is by the deployment of cert teams that are going out to help the mitigation of vulnerabilities, or threats that have occurred, or attacks that have happened to help them reconstitute their activities, so that is from the DHS aspect.

Directly to your question on the events at the Montana school, I would defer to the FBI.

Senator DAINES. OK. Thank you.

Chairman JOHNSON. Thank you, Senator Daines.

I just have a couple lines of questioning, and then we will close out the hearing.

When we talk about the cyber caliphate, in my mind, it is really split in two categories. One is encryption being used, but quite honestly, I am not sure there is much of anything we can really do about it.

By the determined terrorists, people are already part of the organization, people they have identified that they want to help direct, and then you just have the more broad use of the social media platforms. And I think both of those really represent totally different risks and aspects of this.

We have talked about social media companies trying to identify automatically, take down some of these materials. I want to talk a little bit—and it is one of the reasons I asked Justice Department to be part of this—the legal authority we have, and I want to do it in the framework of what we currently do with the laws in the books, for example, to combat child pornography versus what legal authorities we have to combat instructions on how to commit terrorist acts.

Can you just kind of speak to the difference between those two aspects? Do we need expanded legal authority to be able to force this—well, first of all, to make it illegal, the use of it, the downloading of it?

Can you speak to that, Ms. Floris?

Ms. FLORIS. So as far as expanding authorities, I would have to defer that line of questioning to my colleagues at the Department of Justice.

I will say that right now, possessing, downloading, storing any sort of radicalizing material in and of itself is not a crime, again, because the protection of the First Amendment. That being said——

Chairman JOHNSON. But, again, child pornography is.

Ms. FLORIS. Absolutely, sir.

Chairman JOHNSON. So we have a real distinction there. OK.

Ms. FLORIS. Absolutely. And whether we need and/or are pushing for legislation on the idea of extremist propaganda, I certainly cannot speak to that, but I am happy to take that question back.

Chairman JOHNSON. Because the fact of the matter is, if we make it more difficult to obtain this, we make it illegal to download it, again, we certainly have not removed all child pornography off the Internet, but it is probably far less prevalent on the Internet than some of this ISIS inspiring-type material, correct? I mean, is that basically a true statement?

Ms. FLORIS. You are absolutely right. We being the FBI have not taken down any sort of extremist propaganda. As I said, some companies are doing it on their own accord, and we have seen some successes in removing extremist content from these social media platforms.

What we are doing is continuing to work with our IC partners and certainly our partners in DOD to identify individuals involved in the production of this media, individuals we know are definitively tied to foreign terrorist organizations, individuals that we can actually go out there and charge with some sort of material support clause.

Chairman JOHNSON. Would any other witnesses want to command on that particular point?

Mr. MITCHELL. I would just say from the Department of Defense perspective, we have very actively sought to identify and to target those individuals and those nodes, particularly within Iraq and Syria, the leadership and their lower echelons that are involved in that production, and I think we have done that very effectively. We have seen a significant decrease in there propaganda output.

Chairman JOHNSON. And, again, without giving away any State secrets on this, is it possible for us to identify where this is coming from and pretty effectively target it, or is it pretty difficult because it is very difficult to identify the source within the World Wide Web?

Mr. MITCHELL. I think there are some efforts that we can identify, and this is another area where our efforts under the Operation Gallant Phoenix in Jordan become very important because if we can identify them and they are one of those countries that we are partnered with, we can share that information with their law enforcement agencies and identify those individuals and hopefully bring them to justice.

Chairman JOHNSON. Again, I am centering on this because this is the new caliphate in cyberspace.

For example, Ms. Floris, I just want to ask you the question. ISIS has claimed responsibility for the Las Vegas attack. Have you uncovered any evidence that would lend credence to that claim?

Ms. FLORIS. No, sir, we have no evidence at this point that Las Vegas was ideologically motivated.

Chairman JOHNSON. OK.

Ms. Floris, also in your testimony, you spoke about the Section 702 authority expiring at the end of this year. I will ask all the witnesses. Is there any evidence? Has there been any claim of an abuse, civil liberties abuse under Section 702 since it has been enacted? Because that is obviously one of the pushbacks of reauthorizing that program.

And then I would also ask you to talk about why you think it is pretty important to reauthorize that.

Ms. FLORIS. Sure. I can start and certainly turn it over to my colleagues.

To your first question, sir, not that I am aware of that there has been any abuses of this tool, and I will say that the FBI strongly supports renewal of 702 collection. It is one of the most valuable tools, I would say, in our toolkit when it comes to thwarting the national security threats that we face today.

In the world we live in today, we are finding just one piece of intelligence can lead to a complete disruption. In my mind, we need to be cognizant to maintain whatever we have to make sure that we are well placed to identify those nodes of intelligence.

Chairman JOHNSON. So, again, without revealing any classified information, are there any metrics you can point to of how effective Section 702 has been, attacks thwarted, that type of thing?

Ms. FLORIS. Not off the top of my head, sir, but I am certainly happy to take that question back.

Chairman JOHNSON. Can you say that there have been attacks—

Ms. FLORIS. There have been, sir.

Chairman JOHNSON. There have been attacks thwarted because of Section 702?

Ms. FLORIS. Yes, sir. There is one example that comes to mind that I can certainly speak to in a classified setting.

Chairman JOHNSON. OK.

I would just ask, Mr. Taylor, you do have—DHS does have—and the Office of Intelligence and Analysis has the legal authority to collect and disseminate this type of threat information. Part of the reason DHS was established was after the 9/11 incident, the attack. There were reports of stovepipes within these different agencies, and this is an attempt to knock down those stovepipes.

First of all, how effective have we been at eliminating those stovepipes? Are they still in existence? Are they being built back up? What is the current State of information sharing within our agencies?

Mr. TAYLOR. Thank you, Senator, for the question.

I would say within DHS, there is certainly a new review from top to bottom as far as integrating, better integrating intelligence and operation within the Department as a whole.

Whether it is daily conferences that the Secretary will host with the operation components to ensure when the threat information

has been identified from the IC that there is appropriate mitigation response, and what are long-term vulnerabilities identified from the Department aspect.

Working closely with our State and locals, that is an everyday activity that the deployed personnel of the Department, whether from I&A proper or from the other operation components, generally tried to leverage the entities that are deployed around the country, whether you are in southwest Texas, southeast Texas, etc on the information that they have—State and locals, that is relevant to the IC and pulling that information back to ensure it is appropriately shared.

But it is a two-way street. It is the responsibility of our Department to ensure that the information from the IC that is relevant to our State and local partners is put into a form that can be shared at the appropriate classification level so that they can take actions to mitigate responses and threats within.

Chairman JOHNSON. And I would say that is the pretty consistent complaint I have from State and local is send a lot of information up, do not get nearly as much back down. I understand there is a real issue there too.

So any other of the witnesses want to comment on that? Are you particularly identify problems that need to be addressed.

Start with you, Mr. Mitchell.

Mr. MITCHELL. I thank you, Senator.

I am not aware of any significant problems. I think our overall inter-agency communications are working very well and better than they have in a long time.

Chairman JOHNSON. So it has been improved significantly since 9/11?

Mr. MITCHELL. Yes, absolutely.

Chairman JOHNSON. Ms. Shiao.

Ms. SHIAO. I absolutely agree, and I would just emphasize that at NCTC, we see it as a very core and critical part of our mission to keep State, local, and tribal officials completely informed of the threat picture. So all of our analysts when they are sitting down, even to write for the most senior customers, are also thinking about how they can tell that story at the lowest classification level, get it out to the unclassified arena, and figure out how to inform that audience in particular.

Chairman JOHNSON. Ms. Floris.

Ms. FLORIS. I would certainly echo the comments of my colleagues. Information, intelligence sharing, whether it is across the community or with our partners, is absolutely paramount to our mission, and you can look at any one of the hundreds of Joint Terrorism Task Forces (JTTFs) we have across all 56 of our field offices as really a primary example of this inter-agency collaboration and collaboration with our State and local partners as well.

Chairman JOHNSON. OK. Thank you.

Well, again, I want to thank the witnesses for taking the time to testify, the answers to our questions, your testimony, for your service to this Nation. Please convey the gratitude of this Committee and quite honestly I think every American to the men and women in your agencies that are doing everything they can to keep this Nation safe and secure, so our sincere gratitude and thanks.

With that, the hearing record will remain open for 15 days until December 21, 5 p.m. for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 11:27 a.m., the Committee was adjourned.]

A P P E N D I X

**Opening Statement of Chairman Johnson
“Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”
December 6, 2017**

As submitted for the record:

The mission statement of this Committee is to enhance the economic and national security of America and promote more efficient, effective, and accountable government. The Committee’s four priorities for homeland security are border security, cybersecurity, protecting our critical infrastructure, and countering Islamist terrorism and homegrown violent extremism. Through 10 hearings on terrorism and extremism, our Committee has explored the changing threat environment.

More than sixteen years after the tragedy of September 11th, our homeland is confronted with variations of the same terrorist threat. Even as we successfully target and degrade terrorist adversaries, their ideas survive to inspire others. The strategies of a global Islamist jihad have shifted over the past half century to adapt to the changing international landscape and our homeland defense must adapt as well.

Last year, during our annual hearing on threats to the homeland, witnesses testified that we could expect a diaspora of terrorist fighters unlike we had ever seen before. This past September, during the same hearing, we heard different testimony from NCTC Director Rasmussen. While he noted that the large inflow of terrorist foreign fighters to Iraq and Syria has resulted in outflow, he stated that the diaspora “is not nearly as large in volume” as anticipated. Our witnesses this year described fighters willing to stay and die in the conflict zone to defend the so-called “caliphate” and supporters in other nations staying put to attack where they are.

Military victories over ISIS in recent months have reduced its territorial control in Iraq and Syria by over 95 percent from its 2014 peak. While these victories are worth celebrating, the enemies we defeated in Raqqa are exploiting the frontier of cyberspace. There they seek to leverage social media to recruit vulnerable minds to carry out attacks on their behalf. This is the new phase of the threat facing our homeland. This witness panel represents the interagency response needed to confront that threat.

The remnants of ISIS and other terrorist groups are seeking refuge in areas where governance is weak and they can operate with impunity. American forces, currently deployed at the invitation of several nations, assist legitimate governments by training their armed forces and enabling them to confront terrorism. At the same time, members of the FBI and NCTC work tirelessly at home and abroad, forecasting terrorists’ next steps while DHS pushes our borders out to keep the homeland secure.

I want to thank the witnesses for being here. They, and the patriotic Americans with whom they serve, work tirelessly to keep us safe. I look forward to discussing the interrelated threats to our security—at home and abroad—and the steps we can take together to safeguard our nation.

U.S. Senate Homeland Security and Governmental Affairs Committee

“Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”

December 6, 2017

Ranking Member Claire McCaskill

Opening Statement

Thank you, Chairman Johnson. Given Congress’ focus right now on funding the government and with the budget season shortly upon us, this hearing provides a well-timed opportunity to examine the administration’s counterterrorism strategy and priorities.

Since 9/11, we have relentlessly pursued a multifaceted counterterrorism campaign to protect our homeland from foreign threats. While this Committee generally focuses on security efforts here at home, today offers an opportunity for members who do not serve on the Defense committees to engage with the Department of Defense (DOD) on how DOD is taking the fight to the enemy abroad. We will also get another chance, coming on the heels of our annual threats hearing in September, to hear from the Federal Bureau of Investigation (FBI) and the National Counterterrorism Center (NCTC) on their agencies’ vital work.

This hearing is titled “Adapting to Defend the Homeland Against the Evolving International Terrorist Threat.” For that reason, I invited the Department

of Homeland Security (DHS) to provide a witness, since its primary mission, as set in statute, it is “to prevent terrorist attacks within the United States and reduce the vulnerability of the United States to terrorism.” On that note, on Monday the Senate advanced Ms. Nielsen’s confirmation vote and I am pleased that the DHS will soon have permanent leadership. Mr. Taylor, I look forward to your testimony on behalf of the Department.

NCTC Director Nick Rasmussen testified before this committee in September that the most immediate threat to the United States is from Homegrown Violent Extremists, meaning people living in the United States who become radicalized and conduct attacks here at home. At that same hearing, DHS Acting Secretary Elaine Duke discussed how attackers’ techniques are evolving as they opt for “simple methods” to conduct attacks, using “guns, knives, vehicles, and other common items to engage in acts of terror.”

Preventing radicalization, as well as preventing and responding to attacks, demands training, support, and other resources for state and local governments, law enforcement, and first responders. I am deeply concerned that many essential counterterrorism programs that provide that support were reduced or outright eliminated in the President’s FY 18 budget.

To prevent Americans from becoming radicalized, DHS administers the Countering Violent Extremism (CVE) Grant Program that assists states, local governments, and nonprofit institutions in providing alternatives for individuals who have started down the road to extremism. Although Congress appropriated only \$10 million for DHS to award in grants, the Department received applications for ten times that amount, demonstrating the overwhelming interest communities have in tackling this problem. Despite that, the President's FY 18 budget requested zero funding for the CVE grant program.

I've mentioned this before, but it's worth repeating that in July, DHS announced 29 awards through the Complex Coordinated Terrorist Attacks (CCTA) Grant Program; Kansas City and St. Louis were both awarded money. Programs like this are essential to bolstering security in our cities. But the President's budget proposed eliminating this grant program, as well.

During her nomination hearing, I asked DHS Secretary nominee Kirstjen Nielsen if New York City relied on resources it got from any of the DHS counterterrorism grant programs to respond to the Halloween ramming attack; she had no doubt that they did. Communities count on programs like the Visible Intermodal Prevention and Response (VIPR) teams, Urban Areas Security Initiative, Complex Coordinated Terrorist Attack Grant Program and the Law

Enforcement Officer Reimbursement Program to protect Americans from terrorist attacks and keep our country safe. But this Administration is reducing and outright eliminating funding for initiatives. This administration has to start following the advice of its own agencies, experts, and our state and local officials on the ground who understand the threats our communities face.

I am glad you are all here today to talk about the essential work you and the women and men in your departments do every day to fight terrorism and protect our country. Thank you very much.

**HEARING ON “ADAPTING TO DEFEND THE HOMELAND AGAINST
THE EVOLVING INTERNATIONAL TERRORIST THREAT”
DECEMBER 6, 2017, 10AM, SD-342**

Good morning, Chairman Johnson, Ranking Member McCaskill, and members of the Committee. I am grateful for the opportunity to appear before you today to discuss:

1. The changing threat landscape with respect to the destruction of the Islamic State of Iraq and Syria (ISIS)’s physical “caliphate”; and
2. Efforts by the Department of Defense (DoD) to counter terrorist threats within this changing threat landscape.

1. Changing Threat Landscape

- The liberation of Raqqa and remaining ISIS strongholds in the Euphrates River Valley are important milestones in our fight against the scourge of ISIS. Our Iraqi and Syrian Democratic Forces (SDF) partners deserve much of the credit for these efforts. Nevertheless, the elimination of the physical caliphate does not mark the end of ISIS or other global terrorist organizations. Their defeat on the battlefield has dispelled ISIS’s claims of invincibility but their ideology remains, and their branches and affiliates will continue to seek opportunities to spread this toxic ideology and attack all who do not subscribe to it.
- As ISIS loses territory in Iraq and Syria, its operations will become more distributed and more reliant on virtual connections. Their terrorist cadres will migrate to other safe havens where they can direct and enable attacks against the United States, our allies and partners, and our global interests. They will also continue to radicalize vulnerable individuals and inspire them to conduct “lone wolf” (or “stray dog”) attacks. We will continue to see ISIS and al-Qa’ida threats to our homeland, as well as our allies and partners, from locations in Afghanistan, the Middle East, Africa, Southeast Asia, and the Balkan States, among other locations.
- The United States and its allies and partners including those in the 74-member Global Coalition to Defeat ISIS must continue to combat this threat with a shared commitment against our common enemies. We must continue to deny ISIS and other terrorist organizations safe-havens from which they can plot

attacks and prey on vulnerable populations. We must continue to work with credible, indigenous voices to delegitimize their ideology. And we must discredit their narrative so they cannot recruit and radicalize alienated or vulnerable populations. Finally, to achieve enduring results, we must ensure that our successes on the battlefield are complemented by well-resourced post-conflict stabilization efforts. These efforts, principally led by the Department of State and USAID, are critical to cementing military gains and preventing terrorist organizations from re-establishing themselves.

- As we look back on our recent operations, the major lessons we have learned from the fight against ISIS thus far are:
 1. Defeating the group requires a whole-of-government approach and cannot be achieved through military efforts alone;
 2. Our “by, with, and through” approach with local partners continues to be effective; and
 3. We must address ISIS globally.

2. DoD Efforts to Counter Terrorist Threats

- Turning now to DoD’s efforts in the counterterrorism (CT) realm, I want to reiterate that an enduring defeat of these terrorist organizations cannot be achieved solely through military force. We must continue to promote and support whole-of-government solutions involving political, developmental, economic, military, law enforcement, border security, aviation security, and other elements.
- With respect to military efforts, of course, DoD maintains the finest and most capable special operations forces in the world. These forces are capable of conducting focused direct action, including precision airstrikes and other CT activities, wherever they are required. I’d be happy to provide additional details, if needed, in a closed session.
- Our other CT efforts are focused on building our partners’ capabilities and capacity and enabling their operations. DoD’s CT approach abroad is characterized generally as working “by, with, and through” key partners. This means that:

- Military operations against terrorist organizations are conducted **by** our partners or host-nation forces;
 - U.S. forces work **with** our partners to train, equip, advise, enable, and when authorized, accompany them on operations and improve their effectiveness and professionalism;
 - And **through** this cooperative relationship, the United States and our partners achieve our shared strategic objectives.
- Secretary Mattis has placed a significant emphasis on building and strengthening these partnerships. In addition to strong bilateral relationships with our partners, we also seek to work with regional security organizations and collective security missions, such as the African Union Mission in Somalia (AMISOM) and the G5 Sahel Task Force. Our NATO Alliance also provides us a ready set of partners for a variety of CT efforts. Together, these partners help to reduce the need for large U.S. forces and unilateral direct action.
 - Our “by, with, and through” approach provides the foundation to build CT capacity in key regions, such as in Africa’s Lake Chad Basin, North Africa, the Horn of Africa, and increasingly in Southeast Asia. As we build the capacity of other partners to bring the fight to violent extremist organizations (VEOs) in the short-term, we are also shaping them to sustain their own security in the long-term. Ultimately, filling the security void in these regions will advance our desired CT end-states.
 - All of these challenges require flexible, adaptable tools. We are grateful for Congress’s efforts to provide DoD and the Department of State a variety of flexible authorities to support CT operations and build capacity with partners. For instance, efforts to reform U.S. security cooperation authorities in the National Defense Authorization Act for Fiscal Year 2017 have led to a suite of streamlined authorities to fund CT training, equipment, and other support for partner CT forces across the globe.
 - Regarding legal authorities, the 2001 Authorization for Use of Military Force (AUMF) remains a cornerstone for ongoing U.S. military operations and continues to provide the domestic legal authority needed to use force against al-Qa’ida, the Taliban, and their associated forces and against ISIS.
 - Finally, while focused principally on operations against terror abroad, DoD also supports its Federal law enforcement and interagency partners in this shifting

threat environment. One of the ways we do this is through robust information-sharing practices, including biometric data. These information-sharing arrangements contribute to the U.S. Government's expanded screening and vetting efforts. Biometric data collected on the battlefield, whether by the United States or its international partners, may be provided through DoD databases to U.S. Federal law enforcement agencies. Similarly, DoD maintains a robust antiterrorism/force protection posture, based in part on information provided by the Federal Bureau of Investigation (FBI), gleaned from its investigations, that may have bearing on threats to DoD personnel or facilities.

3. Closing

- Thank you for the opportunity to testify to this Committee on a topic of such critical importance. The Department of Defense appreciates your leadership and oversight in this area.
- I'll be happy to address any additional questions.

Hearing before the Senate Committee on
Homeland Security and Governmental Affairs

“Adapting to Defend the Homeland
against the Evolving International Terrorist Threat”

December 6, 2017

Lora Shiao
Acting Director of Intelligence
National Counterterrorism Center

Thank you, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee, for the opportunity to be with you today. I am pleased to be joined by my colleagues and close partners, the Department of Defense (DOD) - Acting Assistant Secretary of Defense for Special Operations / Low-Intensity Conflict (SO/LIC) Mark Mitchell, the Federal Bureau of Investigation (FBI) – Counterterrorism Division Deputy Assistant Director Nikki Floris, and Department of Homeland Security (DHS) - Acting Deputy Under Secretary for Intelligence and Analysis, Robin Taylor.

Threat Overview

It is the National Counterterrorism Center’s (NCTC) assessment that the current terrorism threat environment is complex, challenging, and geographically expansive, as we saw with recent attacks throughout Europe, in Egypt, and of course in New York City on Halloween. Both the self-proclaimed Islamic State of Iraq ash Sham, or ISIS, and al-Qa’ida have proven to be extremely resilient organizations. ISIS continues to use attacks and propaganda to attract violent extremists and to project its influence worldwide. Other terrorist groups around the world continue to exploit safe havens created by ungoverned spaces and threaten the U.S. and our allies. While the scale of the capabilities currently demonstrated by most violent extremist actors does not rise to the level of core al-Qa’ida on 9/11, it is fair to say that we face more threats originating in more places and involving more individuals than we have at any time in the past 16 years.

HVEs

First, allow me to provide an overview of the most immediate threat to the U.S., which is the threat of violence carried out by Homegrown Violent Extremists (HVEs). While there are multiple factors that mobilize HVEs to violence, ISIS’s large-scale media and propaganda efforts most likely will continue to reach and influence HVEs in the U.S. There have been fewer attacks

in the U.S. this year than the past two years, and we are working to determine the potential factors that may be responsible for this decrease in successful attacks. Arrests of HVEs remain at similar levels.

What we have seen over time is that HVEs—either lone actors or small insular groups—tend to gravitate toward soft targets and simple tactics of opportunity that do not require advanced skills or outside training. We expect that most HVEs will continue to focus on soft targets, while still considering traditional targets, such as military personnel, law enforcement, and other symbols of the U.S. government. Some HVEs—such as the San Bernardino shooters in December 2015—may have conducted attacks against personally significant targets. We are still working to learn more about what may have motivated suspects in other recent attacks.

ISIS

In the past year, we have seen ISIS pursue a spectrum of attack plots. This spectrum ranges from those “inspired” by the group—in which ISIS claims responsibility for attacks where the attackers had no direct ties to the group—to attacks “enabled” by the group—when ISIS reaches out to individuals through secure communications to prompt an attack—to “directed” ones, in which the group provides direct support from Iraq and Syria to attempt attacks.

ISIS’s reach and narrative, rooted in unceasing warfare against all enemies, extends beyond the Syria-Iraq battlefield. Since 2014, ISIS has conducted or inspired attacks ranging in tactics and targets—the bombing of a Russian airliner in Egypt; the attacks in Paris at restaurants, a sports stadium, and a concert venue; the killing of hostages and law enforcement officials at a café in Bangladesh; and the growing number of vehicle attacks such as those carried out in Europe during the past year—all of which demonstrate how ISIS can capitalize on local networks on the ground for attacks.

As we saw with the July arrests in Australia, and with the attacks in Belgium and Istanbul last year, terrorists remain focused on aviation targets because they recognize the economic damage that may result from even unsuccessful attempts to either down aircraft or attack airports, as well as the potential high loss of life, and the attention the media devotes to these attacks. ISIS continues to innovate and test for security vulnerabilities in order to further its external operations and challenge our security apparatus. Since the 9/11 attacks, worldwide security improvements have hardened the aviation sector but have not entirely removed the threat. Violent extremist publications continue to promote the desirability of aviation attacks and have provided information on how to target the air domain.

For these reasons, shrinking the size of territory controlled by ISIS and denying the group access to additional manpower and funds in the form of foreign terrorist fighters and operatives, as well as oil revenue and other financial resources, remains a top priority. Success in these areas will ultimately be an essential part of our efforts to continue reducing the group’s ability to pursue external attacks and to diminish its global reach and impact. We have made clear

progress in these areas: ISIS has lost more than 90 percent of the territory it once controlled in both Iraq and Syria; the number of fighters it has in those countries has significantly decreased, and its illicit income streams are down. But despite this progress, ISIS's ability to carry out terrorist attacks in Syria, Iraq, and abroad has not yet been sufficiently diminished, and the consistent tempo of ISIS-linked terrorist activity is a reminder of the group's continued global reach.

The group's external operations capability has been building and entrenching during the past two years, and we do not think battlefield losses alone will be sufficient to degrade its terrorism capabilities. As we have seen, the group has launched attacks in periods when it held large swaths of territory and when under significant pressure from the defeat-ISIS campaign. In addition to its efforts to conduct external attacks from its safe havens in Iraq and Syria, ISIS's capacity to reach sympathizers around the world through its robust social media capability is unprecedented and gives the group access to large numbers of HVEs.

During the past two years, ISIS has lost several key leaders whose deaths have deprived the group of senior members with unique skillsets. However, the group's effective propaganda continues to inspire violence even after the removal of key spokesmen, as we have seen by the range of radicalized individuals who continue to look to statements by deceased terrorist figures for guidance and justifications to conduct attacks. ISIS's media enterprise will probably continue to redirect its narrative away from losses to emphasize new opportunities, as seen with ISIS's recent media attention to territories outside the areas it formerly held in Syria and Iraq. It may also try to paint losses as a rallying cry for revenge against local security forces and international counterterrorism actors, including the U.S. Despite international efforts to prevent terrorism online, the volume of media availability and its spread across a multitude of platforms and websites will continue to be a challenge, but we are steadfast in our containment measures.

Deceased ISIS spokesman and external operations leader Abu Muhammad al-Adnani's final public statement encouraged ISIS supporters in the U.S. to conduct attacks at home instead of traveling to Iraq and Syria, suggesting that ISIS recognizes the difficulty of sending operatives to the U.S. for an attack. ISIS most likely views the U.S. as a harder target than Europe because it is further away, U.S. ports of entry are under far less stress from mass migration, and U.S. law enforcement agencies are not overtaxed by persistent unrest, as are some of our counterparts overseas.

Al-Qa'ida

We remain concerned about al-Qa'ida's safe haven in Syria because of the presence of veteran al-Qa'ida operatives there, some who have been part of the group since before the September 11 attacks, and who are exploiting the conflict there to threaten the U.S. and our allies.

The Nusrah Front, also known as Hayat Tahrir al-Sham, is al-Qa'ida's largest affiliate and one of the most capable armed groups operating in Syria. Its integration of al-Qa'ida veterans provides the group with strategic guidance and enhances its standing within the al-Qa'ida global movement. We believe the Nusrah Front's statement in July 2016 announcing the separation of the group from the broader al-Qa'ida movement was in name only and that Nusrah Front remains part of al-Qa'ida, supporting its ideology and intent to target the West. We will continue our efforts to counter this group and the threats it poses to the West.

Al-Qa'ida in the Arabian Peninsula, the only known al-Qa'ida affiliate to have attempted a directed attack against the U.S., continues to exploit the conflict in Yemen to gain new recruits and secure areas of safe haven, contributing to its enduring threat. The group continues to threaten and call for attacks against the U.S. in its prolific media production, including its English-language *Inspire* magazine, providing instruction and ideological encouragement for individual actors.

We have constrained al-Qa'ida's effectiveness and its ability to recruit, train, and deploy operatives from its safe haven in South Asia; however, this does not mean that the threat from core al-Qa'ida in the tribal areas of Pakistan or in eastern Afghanistan has been eliminated. We believe that al-Qa'ida and its adherents in the region still aspire to conduct attacks and will remain a threat as long as the group can potentially regenerate capability to threaten the Homeland with large-scale attacks. Al-Qa'ida's allies in South Asia—particularly the Taliban and the Haqqani Network—also continue to present a high threat to our regional interests.

We are also cognizant of the level of risk the U.S. may face over time if al-Qa'ida regenerates, finds renewed safe haven, or restores lost capability. We are on alert for signs that al-Qa'ida's capability to attack the West from South Asia is being restored and would warn immediately if we find trends in that direction.

Hizballah / Iran

In keeping with the diverse set of threats we face, I would be remiss not to briefly call out the malign activities of Iran and its partner, Lebanese Hizballah. Iran remains the foremost state sponsor of terrorism, providing financial aid, advanced weapons and tactics, and direction to militant and terrorist groups across the Middle East, all while it cultivates its own network of operatives across the globe as part of its international attack infrastructure.

Lebanese Hizballah during recent years has demonstrated its intent to foment regional instability by deploying thousands of fighters to Syria to fight for the Syrian regime; providing weapons, tactics and direction to militant and terrorist groups in Iraq and Yemen; and deploying operatives to Azerbaijan, Egypt, Thailand, Cyprus, and Peru to lay the groundwork for attacks. In the U.S., FBI's arrest in June of two operatives charged with working on behalf of Hizballah was a stark reminder of Hizballah's continued desire to maintain a global attack

infrastructure that poses an enduring threat to our interests.

Trends

Stepping back, two trends in the contemporary threat environment continue to concern us. The first is the ability of terrorist actors to communicate with each other outside our reach with the use of encrypted communications. Most recently, terrorists have begun widespread use of private groups in encrypted applications to supplement traditional social media for sharing propaganda in an effort to circumvent the intelligence collection and private sector disruption of their public accounts. As a result, collecting information on particular terrorist activities is increasingly difficult.

The second is that we're seeing a proliferation of rapidly evolving plot vectors that emerge simply by an individual encouraged or inspired to take action who then quickly gathers the few resources needed and moves into an operational phase. ISIS is aware of this, and those connected to the group have understood that by motivating actors in their own locations to take action against Western countries and targets, these actors can be effective, especially if they cannot travel abroad to ISIS-controlled areas. In terms of propaganda and recruitment, ISIS supporters can generate further support for their movement, even without carrying out catastrophic, mass-casualty attacks. This is an innovation in the terrorist playbook that poses a great challenge. Further, martyrdom videos and official ISIS claims of responsibility for inspired individuals' attacks probably allow the group to convey a greater impression of control over attacks in the West and maximize international media exposure.

Counterterrorism and Terrorism Prevention

During the past 16 years, we have made tremendous progress in improving our ability to detect and prevent catastrophic attacks like September 11, 2001. We, along with many of our partners, have built a national security apparatus that has substantially expanded our ability to protect the safety and security of our communities. We share more information—with more frequency and with more partners—than we ever would have imagined possible a decade ago. And, we have reduced external threats emanating from core al-Qa'ida and ISIS because of aggressive counterterrorism actions against these groups. However, given these groups' resiliency and ability to innovate, the whole-of-government must respond with even more innovative approaches to prevent the radicalization to violence and recruitment to terrorism of individuals, specifically here in the Homeland.

As a federal government, we have taken steps to organize and resource our efforts to prevent terrorism more effectively, under the leadership of DHS and the Department of Justice. We have been successful at helping provide communities with the information and tools they need

to identify potential extremists and to engage with them before they reach the point of becoming an actual terrorist.

NCTC accomplishes this mainly through a series of Community Awareness Briefings (CAB) and exercises that are produced and presented in cooperation with our interagency partners. As an example, the CAB is an unclassified presentation on radicalization to violence and violent extremist recruitment designed to build awareness and catalyze community efforts to prevent individuals from mobilizing to criminal activity or violence. We also developed the CAB "Train-the-Presenter" Program, which is designed to train local officials to present the CAB themselves to local audiences. Recently, these were expanded to include all forms of violent extremism in the U.S. to respond to a growing demand from federal, state, local and community partners for tools that reflect the full domestic threat picture.

I am proud of all of the good work our government – including my colleagues at NCTC – is doing to prevent terrorism here in the homeland, but the reality, as was so tragically demonstrated in New York, is that we have to do more. The scale at which we undertake these efforts is too limited, and it is certainly not sized to tackle the kind of problem we are experiencing here in the Homeland today. But we do know this: prevention work has a positive impact in the places where we have tried it, we are poised to receive significant metrics through the good work of DHS that will help us better evaluate these efforts, and violent extremism is not a monolith.

The bottom line is that our government's work to prevent all forms of violent extremism expands the counterterrorism toolkit beyond the hard power tools of disruption, it is resource efficient, and enables local partners—including law enforcement, social services providers, schools and communities—to create alternative pathways that can protect our youth from a variety of violent foreign and domestic ideologies. But, we need to reaffirm and expand our commitment to prevention, both resourcing it at the federal, state, and local level, and maintaining a whole-of-government effort to continue to keep Americans safe.

Conclusion

Chairman Johnson, Ranking Member McCaskill, and members of the Committee, thank you for the opportunity to testify before you this morning. The role that NCTC, DOD-SO/LIC, FBI and DHS play in combatting terrorism – at home and abroad, along with the committee's support – is critically important. The men and women of our nation's counterterrorism community work tirelessly to defeat the efforts of terrorist groups around the globe. There is no doubt that the world today is more challenging and more dangerous. But I would also argue that we have more capacity to defend ourselves – more capacity to keep ourselves safe – than we have ever had before.

Thank you all very much, and I look forward to answering your questions.

STATEMENT OF
NIKKI FLORIS
DEPUTY ASSISTANT DIRECTOR OF COUNTERTERRORISM
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE

AT A HEARING ENTITLED
“ADAPTING TO DEFEND THE HOMELAND AGAINST THE EVOLVING INTERNATIONAL THREAT”

PRESENTED
DECEMBER 6, 2017

Good morning Chairman Johnson, Ranking Member McCaskill, and members of the committee. Thank you for the opportunity to appear before you today to discuss the evolving terrorist threat to the homeland. As technology advances so, too, does terrorists’ use of technology to communicate — both to inspire and recruit. Their widespread use of technology propagates the persistent terrorist message to attack U.S. interests whether in the Homeland or abroad. As these threats to Western interests evolve, we must adapt and confront the challenges, relying heavily on the strength of our Federal, State, local, and international partnerships.

Counterterrorism

Preventing terrorist attacks remains the FBI’s top priority. The terrorist threat against the United States remains persistent and acute. From a threat perspective, we are concerned with three areas in particular: (1) those who are inspired by terrorist propaganda and act out in support; (2) those who are enabled to act after gaining inspiration from violent extremist propaganda and communicating with members of foreign terrorist organizations who provide guidance on operational planning or targets; and (3) those who are directed by members of foreign terrorist organizations to commit specific, directed acts in support of the group’s ideology or cause. Prospective terrorists can fall into any one of these three categories or span across them, but in the end the result is the same — innocent men, women, and children killed and families, friends, and whole communities left to struggle in the aftermath.

Currently, the FBI views the Islamic State of Iraq and Syria (“ISIS”) and homegrown violent extremists as the main terrorism threats to the United States. ISIS is relentless and ruthless in its campaign of violence and has aggressively promoted its hateful message, attracting like-minded extremists. The threats posed by foreign terrorist fighters, including those recruited from the United States, are extremely dynamic. These threats remain the highest priority and create the most serious challenges for the FBI, the U.S. Intelligence Community, and our foreign, State, and local partners. We continue to identify individuals who seek to join the ranks of foreign fighters traveling in support of ISIS, as well as homegrown violent extremists who may

aspire to attack the United States from within. In addition, we are working to expose, refute and combat terrorist propaganda and training available via the Internet and social media networks. Due to online recruitment and indoctrination, foreign terrorist organizations are no longer solely dependent on finding ways to get terrorist operatives into the United States to recruit and carry out acts. Terrorists in ungoverned spaces—both physical and cyber—readily disseminate propaganda and training materials to attract easily influenced individuals around the world to their cause. They encourage these individuals to travel, or they motivate them to act at home. This is a significant transformation from the terrorist threat our nation faced a decade ago.

ISIS was able to construct a narrative that touched on many facets of life, from career opportunities to family life to a sense of community. Those messages were not tailored solely for those who are expressing signs of radicalization to violence —many who click through the Internet every day, receive social media push notifications, and participate in social networks have viewed ISIS propaganda. Ultimately, a lot of the individuals drawn to ISIS seek a sense of belonging. Echoing other terrorist groups, ISIS has advocated for lone offender attacks in Western countries. ISIS videos and propaganda have specifically advocated for attacks against soldiers, law enforcement, and intelligence community personnel, but have branched out to include any civilian as a worthy target.

Many foreign terrorist organizations use various digital communication platforms to reach individuals they believe may be susceptible and sympathetic to violent extremist messages, however, no group has been as successful at drawing people into its perverse ideology as ISIS. ISIS has proven dangerously competent at employing such tools for its nefarious strategy. ISIS uses high-quality, traditional media platforms, as well as widespread social media campaigns to propagate its extremist ideology. Social media hijacked by groups such as ISIS to spot and assess potential recruits. With the widespread use of social media, terrorists can spot, assess, recruit, and radicalize vulnerable persons of all ages in the United States either to travel or to conduct a homeland attack. Through the Internet, terrorists overseas now have access into our local communities to target and recruit our citizens and spread the message of radicalization to violence faster than we imagined just a few years ago.

ISIS is not the only terrorist group of concern. Al Qaeda maintains its desire for large-scale spectacular attacks; however, continued CT pressure has degraded the group, and in the near term, al Qaeda is more likely to focus on supporting small-scale, readily achievable attacks against U.S. and allied interests in the Afghanistan/Pakistan region. Simultaneously, over the last year, propaganda from al Qaeda leaders seeks to inspire individuals to conduct their own attacks in the United States and the West.

As the threat to harm the United States and U.S. interests evolves, we must adapt and confront these challenges, relying heavily on the strength of our Federal, State, local, and international partnerships. The FBI is using all lawful investigative techniques and methods to combat these terrorist threats to the United States. Along with our domestic and foreign partners, we are collecting and analyzing intelligence concerning the ongoing threat posed by foreign

terrorist organizations and homegrown violent extremists. We continue to encourage information sharing, which is evidenced through our partnerships with many Federal, State, local, and tribal agencies assigned to Joint Terrorism Task Forces around the country. Be assured, the FBI continues to strive to work and share information more efficiently, and to pursue a variety of lawful methods to help stay ahead of these threats.

Unfortunately, the rapid pace of advances in mobile and other communication technologies continues to present a significant challenge to conducting lawful court-ordered access to digital information or evidence, whether that information is being electronically transmitted over networks or at rest on a device or other form of electronic storage. There is a real and growing gap between law enforcement's legal authority to access digital information and its technical ability to do so. The FBI refers to this growing challenge as "Going Dark," and it affects the spectrum of our work. In the counterterrorism context, for instance, our agents and analysts are increasingly finding that communications and contacts between groups like ISIS and potential recruits occur in encrypted private messaging platforms.

The exploitation of encrypted platforms presents serious challenges to law enforcement's ability to identify, investigate, and disrupt threats that range from counterterrorism to child exploitation, gangs, drug traffickers and white-collar crimes. In addition, we are seeing more and more cases where we believe significant evidence resides on a phone, a tablet, or a laptop—evidence that may be the difference between an offender being convicted or acquitted. If we cannot access this evidence, it will have ongoing, significant effects on our ability to identify, stop, and prosecute these offenders. In fiscal year 2017, the FBI was unable to access the content of approximately 7800 mobile devices using appropriate and available technical tools, even though there was legal authority to do so. This figure represents slightly over half of all the mobile devices the FBI attempted to access in that timeframe.

When possible and legally permissible, our agents develop investigative workarounds on a case-by-case basis, including by using physical world techniques and examining non-content sources of digital information (such as metadata). As an organization, the FBI also invests in alternative methods of lawful engineered access. Ultimately, these efforts, while significant, have severe constraints. Non-content information, such as metadata, is often simply not sufficient to meet the rigorous constitutional burden to prove crimes beyond a reasonable doubt. Developing alternative technical methods is typically a time-consuming, expensive, and uncertain process. Even when possible, such methods are difficult to scale across investigations, and may be perishable due to a short technical lifecycle or as a consequence of disclosure through legal proceedings.

We respect the right of people to engage in private communications, regardless of the medium or technology. Whether it is instant messages, texts, or old-fashioned letters, citizens have the right to communicate with one another in private without unauthorized government surveillance, because the free flow of information is vital to a thriving democracy. Our aim is not to expand the government's surveillance authority, but rather to ensure that we can obtain

electronic information and evidence pursuant to the legal authority that Congress has provided to us to keep America safe. The benefits of our increasingly digital lives, however, have been accompanied by new dangers, and we have seen how criminals and terrorists use advances in technology to their advantage. The more we as a society rely on electronic devices to communicate and store information, the more likely it is that information that was once found in filing cabinets, letters, and photo albums will now be stored only in electronic form. When changes in technology hinder law enforcement's ability to exercise investigative tools and follow critical leads, those changes also hinder efforts to identify and stop criminals or terrorists.

Some observers have conceived of this challenge as a trade-off between privacy and security. In our view, the demanding requirements to obtain legal authority to access data—such as by applying to a court for a warrant or a wiretap—necessarily already account for both privacy and security. The FBI is actively engaged with relevant stakeholders, including companies providing technological services, to educate them on the corrosive effects of the Going Dark challenge on both public safety and the rule of law, and with the academic community and technologists to work on technical solutions to this problem.

Also, as this Committee is aware, section 702 of the Foreign Intelligence Surveillance Act ("FISA"), is due to sunset at the end of this year. Section 702 is a critical tool that the intelligence community uses properly to target non-U.S. persons located outside the United States to acquire information vital to our national security. To protect privacy and civil liberties, this program has operated under strict rules and has been carefully overseen by all three branches of the government. Given the importance of section 702 to the safety and security of the American people, the Administration urges Congress to permanently reauthorize title VII of FISA.

Conclusion

Chairman Johnson, Ranking Member McCaskill, and committee members, I thank you for the opportunity to testify concerning the evolving threats to the Homeland and the challenges we face in confronting the threat. We are grateful for the support that you and this Committee have provided to the FBI. I am happy to answer any questions you might have.



Statement for the Record

Mr. Robin Taylor

Acting Deputy Under Secretary for Intelligence Operations,

Office of Intelligence and Analysis

U.S. Department of Homeland Security

Before the

U.S. Senate Homeland Security and Governmental Affairs Committee

“Adapting to Defend the Homeland Against the Evolving
International Terrorist Threat”

December 6, 2017

Chairman Johnson, Ranking Member McCaskill and distinguished Members of the Committee, thank you for the opportunity to appear before you today – along with my colleagues from the Federal Bureau of Investigation (FBI), the National Counterterrorism Center (NCTC), and the Department of Defense (DOD) – to discuss how the U.S. Department of Homeland Security's (DHS) Office of Intelligence and Analysis (I&A) helps protect the homeland in today's dynamic threat environment. In my testimony today, I will characterize the evolving threat and describe how I&A is working to share intelligence and information with our domestic and international customers in support of counterterrorism activities in the homeland and around the world.

Today, the threat we face from terrorism is much more diverse than during the 9/11 period. While we have made it harder for terrorists to execute large-scale attacks, changes in technology have made it easier for adversaries to plot attacks in general, to radicalize new followers to commit acts of violence, and to recruit beyond borders. The problem is compounded by the use of simple, "do-it-yourself" terrorist tactics conveyed via highly sophisticated terrorist marketing campaigns to audiences across the world.

As Acting Secretary Duke testified before this committee in September, we at DHS are rethinking homeland security for this new age. In the past, we often spoke of the "home game" and "away game" in the context of protecting our country, with DHS especially focused on the former. But that line is now blurred. The dangers we face are becoming more dispersed, and threat networks are proliferating across borders. The shifting landscape challenges security, so we must move past traditional defense and non-defense thinking. This is why DHS is overhauling its approach to homeland security and bringing together intelligence, operations, interagency engagement, and international action in new ways and changing how we respond to threats to our country.

The rising tide of violence we see in the West is clear evidence of the serious threat. As our government takes the fight to groups such as Islamic State of Iraq and ash-Sham (ISIS) and al-Qa'ida (AQ), we will continue to see operatives disperse and focus more heavily on external operations against the United States, our interests, and our allies. While much of today's hearing will focus on terrorist threats from Syria and Iraq, it is important to emphasize that the terrorist threat is fluid. Many terrorist groups continue to pose a risk to our security and safety.

Core AQ and its affiliates remain a major concern for DHS. Despite the deaths of many AQ senior leaders, the group and its affiliates maintain the intent, and, in some cases, the capability to facilitate and conduct attacks against U.S. citizens and facilities. The group and its affiliates have also demonstrated that capability to adjust tactics, techniques and procedures for targeting the West.

Likewise, we continue to monitor the evolving threat posed by ISIS. ISIS fighters' battlefield experience in Syria and Iraq have armed it with advanced capabilities that most terrorist groups do not have. Even as the so-called "caliphate" collapses, ISIS fighters retain their toxic ideology and a will to fight. We remain concerned that foreign fighters from the U.S. or elsewhere who have traveled to Syria and Iraq and radicalized to violence will ultimately return to the U.S. or their home country to conduct attacks.

In addition to the threat of foreign fighters overseas, the threat from ISIS also contains a domestic component. ISIS utilizes a sophisticated messaging and propaganda capability, which enables it to reach a global audience as it encourages acts of violence wherever its followers are able. The group regularly disseminates high-quality media content on multiple online platforms. ISIS members continue to attempt to recruit and radicalize to violence Homegrown Violent Extremists (HVEs) through social media. The reach and popularity of social media has enabled HVEs to connect more easily with terrorist organizations, such as ISIS. We assess there is currently an elevated threat of HVE lone offender attacks by ISIS sympathizers, which is especially concerning because mobilized lone offenders present law enforcement with limited opportunities to detect and disrupt their plots.

In order to address this threat, DHS, and I&A, with the assistance and input it receives from DHS components, works to share intelligence and information with our domestic and foreign partners to help front-line operators identify, disrupt, and respond to developing threats. We are committed to continuing our efforts, along with our colleagues in the Intelligence Community (IC), to give our customers at DHS and in the homeland the information they need about terrorist tactics, techniques and procedures to better protect the homeland, and to partner with international counterterrorism allies to share information about terrorist threats.

I&A is the only member of the IC statutorily charged to share intelligence and threat information with state, local, tribal, territorial, and private sector (SLTTP) partners. To help these partners address the evolving terrorist threat, I&A produces tailored assessments on the motivations of HVEs, suspicious behavioral patterns, likely tactics and techniques, and preferred targets. Additionally, I&A partners with the FBI and fusion centers across the nation to produce intelligence products for state and local law enforcement on the trends and observable behaviors in individuals seeking to commit violence in the homeland.

On the international front, DHS continues to broaden and deepen international liaison efforts through DHS Attachés at post to improve our ability to share information with key foreign allies. As a part of that effort, I&A engages with foreign partners to share analytic and targeting methodology, chiefly by conducting analytic exchanges, to enhance the ability of DHS and foreign allies to identify individuals and travel routes, and prevent foreign fighter travel to foreign conflict zones.

The terrorist threat is dynamic, as those who operate individually or as part of a terrorist organization will continue to challenge our security measures and our safety. DHS will continue to work with our international counterparts and our colleagues within the FBI, NCTC, DOD, the Department of State, and across the IC to identify potential threats to our security, both at home and abroad.

Chairman Johnson, Ranking Member McCaskill, and distinguished Members of the Committee, thank you for the opportunity to appear before you today. I look forward to answering your questions.

Raqqa's Dirty Secret

By Quentin Sommerville and Riam Dalati
Posted 2017-11-13 17:29 GMT

(BBC) -- The BBC has uncovered details of a secret deal that let hundreds of IS fighters and their families escape from Raqqa under the gaze of the US and British-led coalition and Kurdish-led forces who control the city.

A convoy included some of IS's most notorious members and -- despite reassurances -- dozens of foreign fighters. Some of those have spread out across Syria, even making it as far as Turkey.

Lorry driver Abu Fawzi thought it was going to be just another job.

He drives an 18-wheeler across some of the most dangerous territory in northern Syria. Bombed-out bridges, deep desert sand, even government forces and so-called Islamic State fighters don't stand in the way of a delivery.

But this time, his load was to be human cargo. The Syrian Democratic Forces (SDF), an alliance of Kurdish and Arab fighters opposed to IS, wanted him to lead a convoy that would take hundreds of families displaced by fighting from the town of Tabqa on the Euphrates river to a camp further north.

The job would take six hours, maximum -- or at least that's what he was told.

But when he and his fellow drivers assembled their convoy early on 12 October, they realised they had been lied to.

Instead, it would take three days of hard driving, carrying a deadly cargo - hundreds of IS fighters, their families and tonnes of weapons and ammunition.

Abu Fawzi and dozens of other drivers were promised thousands of dollars for the task but it had to remain secret.

The deal to let IS fighters escape from Raqqa -- de facto capital of their self-declared caliphate -- had been arranged by local officials. It came after four months of fighting that left the city obliterated and almost devoid of people. It would spare lives and bring fighting to an end. The lives of the Arab, Kurdish and other fighters opposing IS would be spared.

But it also enabled many hundreds of IS fighters to escape from the city. At the time, neither the US and British-led coalition, nor the SDF, which it backs, wanted to admit their part.

Has the pact, which stood as Raqqa's dirty secret, unleashed a threat to the outside world - one that has enabled militants to spread far and wide across Syria and beyond?

Great pains were taken to hide it from the world. But the BBC has spoken to dozens of people who were either on the convoy, or observed it, and to the men who negotiated the deal.

In a greasy yard in Tabqa, underneath a date palm, three boys are busy at work rebuilding a lorry engine. They are covered in motor oil. Their hair, black and oily, stands on end.

Near them is a group of drivers. Abu Fawzi is at the centre, conspicuous in his bright red jacket. It matches the colour of his beloved 18-wheeler. He's clearly the leader, quick to offer tea and cigarettes. At first he says he doesn't want to speak but soon changes his mind.

He and the rest of the drivers are angry. It's weeks since they risked their lives for a journey that ruined engines and broke axles but still they haven't been paid. It was a journey to hell and back, he says.

"We were scared from the moment we entered Raqqa," he says. "We were supposed to go in with the SDF, but we went alone. As soon as we entered, we saw IS fighters with their weapons and suicide belts on. They booby-trapped our trucks. If something were to go wrong in the deal, they would bomb the entire convoy. Even their children and women had suicide belts on."

The Kurdish-led SDF cleared Raqqa of media. Islamic State's escape from its base would not be televised.

Publicly, the SDF said that only a few dozen fighters had been able to leave, all of them locals.

But one lorry driver tells us that isn't true.

Another driver says the convoy was six to seven kilometres long. It included almost 50 trucks, 13 buses and more than 100 of the Islamic State group's own vehicles. IS fighters, their faces covered, sat defiantly on top of some of the vehicles.

Footage secretly filmed and passed to us shows lorries towing trailers crammed with armed men. Despite an agreement to take only personal weapons, IS fighters took everything they could carry. Ten trucks were loaded with weapons and ammunition.

The drivers point to a white truck being worked on in the corner of the yard. "Its axle was broken because of the weight of the ammo," says Abu Fawzi.

This wasn't so much an evacuation - it was the exodus of so-called Islamic State.

The SDF didn't want the retreat from Raqqa to look like an escape to victory. No flags or banners would be allowed to be flown from the convoy as it left the city, the deal stipulated.

It was also understood that no foreigners would be allowed to leave Raqqa alive.

Back in May, US Defence Secretary James Mattis described the fight against IS as a war of "annihilation". "Our intention is that the foreign fighters do not survive the fight to return home to north Africa, to Europe, to America, to Asia, to Africa. We are not going to allow them to do so," he said on US television.

But foreign fighters -- those not from Syria and Iraq - were also able to join the convoy, according to the drivers. One explains:

"There was a huge number of foreigners. France, Turkey, Azerbaijan, Pakistan, Yemen, Saudi, China, Tunisia, Egypt..."

Other drivers chipped in with the names of different nationalities.

In light of the BBC investigation, the coalition now admits the part it played in the deal. Some 250 IS fighters were allowed to leave Raqqa, with 3,500 of their family members.

"We didn't want anyone to leave," says Col Ryan Dillon, spokesman for Operation Inherent Resolve, the Western coalition against IS.

"But this goes to the heart of our strategy, 'by, with and through' local leaders on the ground. It comes down to Syrians -- they are the ones fighting and dying, they get to make the decisions regarding operations," he says.

While a Western officer was present for the negotiations, they didn't take an "active part" in the discussions. Col Dillon maintains, though, that only four foreign fighters left and they are now in SDF custody.

As it left the city, the convoy would pass through the well-irrigated cotton and wheat fields north of Raqqa. Small villages gave way to desert. The convoy left the main road and took to tracks across the desert. The trucks found it hard going, but it was much harder for the men behind the wheel.

A friend of Abu Fawzi's rolls up the sleeve of his tunic. Underneath, there are burns on his skin. "Look what they did here," he says.

According to Abu Fawzi, there were three or four foreigners with each driver. They would beat him and call him names, such as "infidel", or "pig".

They might have been helping the fighters escape, but the Arab drivers were abused the entire route, they say. And threatened.

"They said, 'Let us know when you rebuild Raqqa - we will come back,'" says Abu Fawzi. "They were defiant and didn't care. They accused us of kicking them out of Raqqa."

A female foreign fighter threatened him with her AK-47.

Shopkeeper Mahmoud doesn't get intimidated by much.

It was about four in the afternoon when an SDF convoy drove through his town, Shanine, and everyone was told to go indoors.

"We were here and an SDF vehicle stopped by to say there was a truce agreement between them and IS," he says. "They wanted us to clear the area."

He is no fan of IS, but he couldn't miss a business opportunity - even if some of the 4,000 surprise customers driving through his village were armed to the teeth.

A small bridge in the village created a bottleneck so the IS fighters got out and went shopping. After months of fighting and taking cover in bunkers, they were pale and hungry. They filed into his shop and, he says, they cleared his shelves.

"A one-eyed Tunisian fighter told me to fear God," he says. "In a very calm voice, he asked why I had shaved. He said they would come back and enforce Sharia once again. I told him we have no problem with Sharia laws. We're all Muslims."

Instant noodles, biscuits and snacks - they bought everything they could get their hands on.

They left their weapons outside the shop. The only trouble he had was when three of the fighters spied some cigarettes -- contraband in their eyes -- and tore up the boxes.

"They didn't appropriate anything, nothing at all," he says.

"Only three of them went rogue. Other IS fighters even chastised them."

He says IS paid for what they took.

"They hoovered up the shop. I got overwhelmed by their numbers. Many asked me for prices, but I couldn't answer them because I was busy serving other people. So they left money for me on my desk without me asking."

Despite the abuse they suffered, the lorry drivers agreed - when it came to money, IS settled its bills.

Says Abu Fawzi with a smile.

North of the village, it's a different landscape. A lonely tractor ploughs a field, sending a plume of dust and sand into the air that can be seen for miles. There are fewer villages, and it's here that the convoy sought to disappear.

In Muhanad's tiny village, people fled as the convoy approached, fearing for their homes - and their lives.

But suddenly, the vehicles turned right, leaving the main road for a desert track.

"Two Humvees were leading the convoy ahead," says Muhanad. "They were organising it and wouldn't let anyone pass them."

As the convoy disappeared into the haze of the desert, Muhanad felt no immediate relief. Almost everyone we spoke to says IS threatened to return, its fighters running a finger across their throats as they passed by.

"We've been living in terror for the past four or five years," says Muhanad.

Along the route, many people we spoke to said they heard coalition aircraft, sometimes drones, following the convoy.

From the cab of his truck, Abu Fawzi watched as a coalition warplane flew overhead, dropping illumination flares, which lit up the convoy and the road ahead.

The coalition now confirms that while it did not have its personnel on the ground, it monitored the convoy from the air.

Past the last SDF checkpoint, inside IS territory - a village between Markada and Al-Souwar - Abu Fawzi reached his destination. His lorry was full of ammunition and IS fighters wanted it hidden.

When he finally made it back to safety, he was asked by the SDF where he'd dumped the goods.

"We showed them the location on the map and he marked it so uncle Trump can bomb it later," he says.

Raqqa's freedom was bought with blood, sacrifice and compromise. The deal freed its trapped civilians and ended the fight for the city. No SDF forces would have to die storming the last IS hideout.

But IS didn't stay put for long. Freed from Raqqa, where they were surrounded, some of the group's most-wanted members have now spread far and wide across Syria and beyond.

The men who cut fences, climb walls and run through the tunnels out of Syria are reporting a big increase in people fleeing. The collapse of the caliphate is good for business.

"In the past couple of weeks, we've had lots of families leaving Raqqa and wanting to leave for Turkey. This week alone, I personally oversaw the smuggling of 20 families," says Imad, a smuggler on the Turkish-Syrian border.

"Most were foreign but there were Syrians as well."

He now charges \$600 (£460) per person and a minimum of \$1,500 for a family.

In this business, clients don't take kindly to inquiries. But Imad says he's had "French, Europeans, Chechens, Uzbek".

"Some were talking in French, others in English, others in some foreign language," he says.

Walid, another smuggler on a different stretch of the Turkish border, tells the same story.

"We had an influx of families over the past few weeks," he says. "There were some large families crossing. Our job is to smuggle them through. We've had a lot of foreign families using our services."

As Turkey has increased border security, the work has become more difficult.

However, Walid says it's a different situation for senior IS figures.

"Those highly placed foreigners have their own networks of smugglers. It's usually the same people who organised their access to Syria. They co-ordinate with one another."

Smuggling didn't work out for everyone. Abu Musab Huthaifa was one of Raqqa's most notorious figures. The IS intelligence chief was on the convoy out of the city on 12 October.

But now he is behind bars, and his story reflects the final days of the crumbling caliphate.

Islamic State never negotiates. Uncompromising, murderous - this is an enemy that plays by a different set of rules.

At least that's how the myth goes.

But in Raqqa, it behaved no differently from any other losing side. Cornered, exhausted and fearful for their families, IS fighters were bombed to the negotiating table on 10 October.

"Air strikes put pressure on us for almost 10 hours. They killed about 500 or 600 people, fighters and families," says Abu Musab Huthaifa.

Footage of the coalition air strike that hit one neighbourhood of Raqqa on 11 October shows a human catastrophe behind enemy lines. Amid the screams of the women and children, there is chaos among the IS fighters. The bombs appear especially powerful, especially effective. Activists claim that a building housing 35 women and children was destroyed. It was enough to break their resistance.

"After 10 hours, negotiations kicked off again. Those who initially rejected the truce changed their minds. And thus we left Raqqa," says Abu Musab.

There had been three previous attempts to negotiate a peace deal. A team of four, including local Raqqa officials, now led the talks. One brave soul would cross the front lines on his motorbike relaying messages.

"We were only to leave with our personal weapons and leave all heavy weapons behind. But we didn't have heavy weapons anyway," Abu Musab says.

Now in jail on the Turkish-Syrian border, he has revealed details of what happened to the convoy when it made it safely to IS territory.

He says the convoy went to the countryside of eastern Syria, not far from the border with Iraq.

Thousands escaped, he says.

Abu Musab's own attempted escape serves as a warning to the West of the threat from those freed from Raqqa.

How could one of the most notorious of IS chiefs escape through enemy territory and almost evade capture?

"I remained with a group which had set its mind on making its way to Turkey," Abu Musab says.

Islamic State members were wanted by everyone else outside the group's shrinking area of control; that meant this small gathering had to pass through swathes of hostile territory.

"We hired a smuggler to navigate us out of SDF-controlled areas," Abu Musab says.

At first it went well. But smugglers are an unreliable lot. "He abandoned us midway. We were left to fend for ourselves in the midst of SDF areas. From then on, we disbanded and it was every man for himself," says Abu Musab.

He might have made it to safety if only he'd paid the right person or maybe taken a different route.

The other path is to Idlib, to the west of Raqqa. Countless IS fighters and their families have found a haven there. Foreigners, too, also make it out - including Britons, other Europeans and Central Asians. The costs range from \$4,000 (£3,000) per fighter to \$20,000 for a large family.

Abu Basir al-Faransy, a young Frenchman, left before the going got really tough in Raqqa. He's now in Idlib, where he says he wants to stay.

The fighting in Raqqa was intense, even back then, he says.

"We were front-line fighters, waging war almost constantly [against the Kurds], living a hard life. We didn't know Raqqa was about to be besieged."

Disillusioned, weary of the constant fighting and fearing for his life, Abu Basir decided to leave for the safety of Idlib. He now lives in the city.

He was part of an almost exclusively French group within IS, and before he left some of his fellow fighters were given a new mission.

Much is hidden beneath the rubble of Raqqa and the lies around this deal might easily have stayed buried there too.

The numbers leaving were much higher than local tribal elders admitted. At first the coalition refused to admit the extent of the deal.

The Kurdish-led Syrian Democratic Forces, somewhat improbably, continue to maintain that no deal was done.

And this may not even have been about freeing civilian hostages. As far as the coalition is concerned, there was no transfer of hostages from IS to coalition or SDF hands.

And despite coalition denials, dozens of foreign fighters, according to eyewitnesses, joined the exodus.

The deal to free IS was about maintaining good relations between the Kurds leading the fight and the Arab communities who surround them.

It was also about minimising casualties. IS was well dug in at the city's hospital and stadium. Any effort to dislodge it head-on would have been bloody and prolonged.

The war against IS has a twin purpose: first to destroy the so-called caliphate by retaking territory and second, to prevent terror attacks in the world beyond Syria and Iraq.

Raqqa was effectively IS's capital but it was also a cage - fighters were trapped there.

The deal to save Raqqa may have been worth it.

But it has also meant battle-hardened militants have spread across Syria and further afield -- and many of them aren't done fighting yet.

Hearing Number: SHSGAC-02-2017
Hearing Date: December 6, 2017
Committee: Senate Homeland Security and Governmental Affairs Committee

QFR Title: Intelligence and Analysis of Trends

Requestors: Sen Heidi Heitkamp

Witness: Mitchell, Mark E

QFR ID: SHSGAC-02-001 QFR

Question Number: 1

Question: In your testimony, you outline the importance of a whole-of-government approach, working with local partners, and addressing terrorist threats globally. All of this makes sense. But as you think strategically and operationally about what will be most effective, I believe you also need to always be thinking how your approaches affect root causes and the scope of the problem in the first place. You can't kill your way to victory. As your testimony rightly points out, victory also requires capacity building, good governance, economic opportunity, and counter-radicalization. a. To that end, how are your military and operational tactics informed by analysis of whether your approaches on the ground are taking more terrorists off the battlefield than they create? b. How does intelligence regarding the scope and trends in radicalization inform how you adjust your strategies?

Answer: As noted, DoD recognizes that a successful counterterrorism approach requires integration of all instruments of national power, working across the U.S. Government. The Department's focus is on providing the best support possible to the U.S. Government's counterterrorism objectives. In that capacity, DoD, in coordination with key partners, continually assesses and reassesses its ongoing operations, looking for areas to optimize its approach. Intelligence plays a key role in this assessment process, providing the Department with critical information about the implications of its operations, as well as changing conditions in the threat environment.

QFR Title: Enablers

Requestors: Sen Heidi Heitkamp

Witness: Mitchell, Mark E

QFR ID: SHSGAC-02-002 QFR

Question Number: 2

Question: In your world, the special operations forces and the boots on the ground often get a lot of the attention, as they should. But the complete cycle of what's involved in special operations requires a lot of intelligence, reconnaissance, analysis, and other enablers. How do you view the role of these enablers and non-special operations personnel, such as analysts and linguists?

Answer: U.S. Special Operations Command has identified five guiding principles, known as "Special Operations Forces (SOF) Truths." One of these fundamental "Truths" accurately asserts that "most special operations require non-SOF assistance." The operational effectiveness

of our deployed forces cannot be, and has never been, achieved without being enabled by our joint service partners. The support of Air Force, Army, Marine Corps, and Navy engineers, technicians, intelligence analysts, and the numerous other professions that contribute to SOF have substantially increased our capabilities and effectiveness throughout the world.

QFR Title: Raqqa's Dirty Secret
Requestors: Sen Margaret W Hassan
Witness: Mitchell, Mark E
QFR ID: SHSGAC-02-003 QFR
Question Number: 3

Question: During the hearing, I referenced a story from the BBC News entitled "Raqqa's Dirty Secret" from November 13, 2017. The story can be found at this link: http://www.bbc.co.uk/news/resources/idd-sh/raqqas_dirty_secret. I have several follow up questions for you on this topic. Who within the Department of Defense agreed to this deal and the process by which the deal would be carried out? Did a U.S. government employee administer the biometric screening referenced in the story (and in Department of Defense's response)? If not, then what steps did the Department of Defense and the broader U.S. government take to ensure that the biometric collection was performed in a manner consistent with U.S. government standards for quality assurance? In other words, what steps did the Department of Defense take to make sure that the results from the biometric collection were reliable and authentic? It appears that a decision was made to only collect biometrics for males in the convoy who were of fighting-age. However, every individual travelling in that convey ostensibly had some sort of direct or indirect connection to foreign fighters, ISIS or the so-called Islamic State. Should any of those individuals try to travel to the United States, U.S. authorities should need to be made aware of this direct or indirect nexus to a terrorist group. By excluding some of these individuals, we have lost out on an opportunity to make the U.S. homeland more secure. Who made the decision to only screen fighting-aged males and were the FBI, NCTC or DHS consulted on this decision? Upon collection of the biometrics, what happened to this information? Were the biometrics then used to update or create new Terrorist Identities Datamart Environment (TIDE) or Terrorist Screening Database (TSDB) records? How many records were updated and how many new records were generated as a result of this process? Are you confident that the screening performed on this convoy of ISIS fighters will give the United States sufficient data to help intercept those fighters or their families if they ever try to enter the US?

Answer:

As mentioned by USCENTCOM in the BBC article, the United States' strategy to work by, with, and through partner forces – specifically the Syrian Democratic Forces (SDF) in the Raqqa operations – leaves all final decision making to the partner. In this case, the Raqqa Civil Council made an arrangement to enable civilians to depart Raqqa prior to its liberation. A Coalition

leader was present at the discussions in Raqqa, but was not an active participant in the discussions between the Raqqa Civil Council and Arab tribal elders, who came to this arrangement despite explicit Coalition disagreement with letting armed ISIS members leave Raqqa. It is estimated that roughly 250 ISIS members used more than 3,000 civilians as human shields when they departed Raqqa in the convoy on October 15, 2017.

Our advisors on the ground continue to support fully and promote our shared objective not to allow foreign fighters to escape the combat area without facing justice. More specific information concerning the interagency coordination processes, biometrics information dissemination, and an overall assessment of the foreign fighter threat related to this convoy can be provided at a higher classification level.

QFR Title: President's FY 18 Budget

Requestors: Sen Claire McCaskill

Witness: Mitchell, Mark E

QFR ID: SHSGAC-02-004 QFR

Question Number: 4

Question: DOD does not fight alone overseas. The United States' foreign policy consists of both diplomacy and use of force, with the smart use of diplomacy hopefully lessening our need to use force. However, this administration proposed significant cuts to the State Department's budget – over \$10 billion dollars of cuts – with important counterterrorism programs facing the axe. On the chopping block are programs aimed at keeping weapons of mass destruction out of the hands of hostile groups, preventing terrorists from crossing national borders, countering violent extremism, and funding critical to diplomatic operations in Africa. How important is the work the State Department conducts to SO/LIC's counterterrorism mission?

Answer:

Secretary Mattis' frequent comments that if State Department is not funded fully, then he will be forced to buy more ammunition, remains the clearest response to this question. As the Department of Defense assists in the degradation of terrorist groups across the continent, without an effective program of diplomacy and development to address drivers of instability, the environment will be primed for al-Shabaab or another group to gain a footing and once again grow into a threat that cannot be contained locally. In that sense, State Department's mission is critical to a successful combating terrorism campaign.

QFR Title: President's FY 18 Budget

Requestors: Sen Claire McCaskill

Witness: Mitchell, Mark E

QFR ID: SHSGAC-02-005 QFR

Question Number: 5

Question: DOD does not fight alone overseas. The United States' foreign policy consists of both diplomacy and use of force, with the smart use of diplomacy hopefully lessening our need to use force. However, this administration proposed significant cuts to the State Department's budget – over \$10 billion dollars of cuts – with important counterterrorism programs facing the axe. On the chopping block are programs aimed at keeping weapons of mass destruction out of the hands of hostile groups, preventing terrorists from crossing national borders, countering violent extremism, and funding critical to diplomatic operations in Africa. If the State Department's financial support for these programs is slashed, how would that impact the burden on our special operations forces?

Answer:

The Department of State is a critical partner for DoD across a wide range of our mission space. Diplomatic engagement provides a critical foundation for DoD's counterterrorism efforts, helping the United States maintain dialogue with key partners to combat terrorist threats, including tightening border security, addressing the movement of CWMD materials, and addressing the drivers of instability.

QFR Title: AMISOM and al-Shabaab

Requestors: Sen Rob Portman

Witness: Mitchell, Mark E

QFR ID: SHSGAC-02-006 QFR

Question Number: 6

Question: What impact will the reduction of African Union Mission in Somalia (AMISOM) forces have on our efforts to combat al-Shabaab and ISIS-Somalia? What actions are being taken to compensate for the change in AMISOM forces in Somalia?

Answer:

The reduction of AMISOM forces in Somalia will likely have a negative impact on our ability to combat al-Shabaab and ISIS-Somalia. As AMISOM vacates forward operating bases, al-Shabaab may be able to re-exert control over the affected populations and terrain. This in turn may damage the legitimacy of the Federal Government of Somalia (FGS) and make it more difficult to expand government control and services outside of Mogadishu. Although the Somali National Army (SNA) is not yet capable of replacing AMISOM, it is likely that Ethiopia, Kenya, and possibly Uganda will keep forces in Somalia, even without AMISOM, due to their own national security interests.

QFR Title: Lake Chad AU Task Force

Requestors: Sen Rob Portman

Witness: Mitchell, Mark E

QFR ID: SHSGAC-02-007 QFR

Question Number: 7

Question: What is your assessment of the most significant capability gaps of the African Union's Multinational Joint Task Force in the Lake Chad region and what steps are being taken to address those gaps?

Answer:

The most significant problem for the Multinational Joint Task Force (MNJTF) in the Lake Chad Basin region is that the partnered countries (Benin, Cameroon, Chad, Niger, and Nigeria) lack unity of effort in the conflict with Boko Haram (BH) and the Islamic State of Iraq and Syria-West Africa (ISIS-WA) in northeastern Nigeria due to competing national security priorities. Equally challenging are financial constraints, absorption capacity of security capabilities, the lack of coordinated operations between the African countries, and the lack of capability to execute intelligence-driven operations.

The Department of State and Department of Defense worked closely alongside other U.S. departments and agencies to create the comprehensive U.S. Strategy for Countering BH and ISIS-WA. The whole-of-government approach seeks to enable our African partners in the Lake Chad Basin to counter BH and ISIS-WA effectively. The strategy provides a framework for the United States to employ diplomatic, development, defense, and other tools to assist and enable our African partners to lead the effort to degrade and ultimately defeat BH and ISIS-WA. The United States coordinates its approach to BH and ISIS-WA with allies, partners, and international organizations. The approach enables pressure on BH and ISIS-WA networks, stabilization in the Lake Chad Basin region, and security capacity building and institution building within the participating countries of the MNJTF.

To address the capability gaps, the United States is providing advisors; intelligence, surveillance, and reconnaissance (ISR) support; equipment; and training to enable these partners to take on BH and ISIS-WA. The U.S. Strategy to Counter BH and ISIS-WA includes strengthening the security sector capacity of each country bilaterally to enable the MNJTF to be more effective in countering the threat from violent extremist organizations and the humanitarian crisis in the region. Since 2012, the United States has provided more than \$500 million in security force assistance to the MNJTF participating countries. In 2017 alone, the U.S. Government through USAID provided more than \$700 million in humanitarian aid.

We also coordinate closely with the United Kingdom (UK), France, and the European Union to ensure that international partners fill coherent, effective, and complementary roles in helping the Lake Chad Basin countries counter BH. The foreign and defense ministries of the United States, France, and the UK (the P3) interact regularly at both the assistant secretary level and the senior working level; the EU often participates in these policy-level engagements.

Additionally, the P3 also provides advisors in the Center for Coordination and Liaison (CCL) to support the MNJTF with both intelligence sharing and operational planning.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

APR 09 2018

The Honorable Ron Johnson
Chairman
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, DC 20510

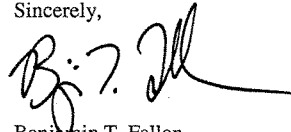
Dear Chairman Johnson and Ranking Member McCaskill:

At the request of the Committee, please find enclosed a copy of the unclassified responses to the Questions for the Record following the "Adapting to Defend the Homeland Against the Evolving International Terrorist Threat," open hearing on December 6, 2017.

The Committee received an earlier version dated March 28, 2018, which included both unclassified and classified responses.

If you have any questions, please contact the Office of Legislative Affairs at (703) 275-2474.

Sincerely,



Benjamin T. Fallon
Acting Director of Legislative Affairs

Enclosure:
Unclassified Responses to "Questions for the Record" from the December 6, 2017 Hearing before the Homeland Security and Governmental Affairs Committee

Hearing Date:	6 December 2017
Committee:	Senate Homeland Security and Governmental Affairs
Member:	Senator Heidi Heitkamp
Witness:	ODNI/NCTC, Ms. Lora Shiao
Info Current as of:	6 March 2018

Question 1: In your testimony, you noted that there have been fewer homegrown violent extremist attacks this year than the past two years. You also said you are working to determine potential factors that may be responsible for this decrease in successful attacks.

Could you briefly elaborate on your initial findings regarding the root causes of violent extremism, and, if possible, why there have been fewer attacks this year?

Answer:

The National Counterterrorism Center (NCTC) believes that the slight drop in Homegrown Violent Extremist (HVE) attacks in 2017 does not signify an overall decrease in the HVE threat, which continues to be the most persistent and unpredictable threat to the Homeland. As you are aware, after the hearing, Akayed Ullah conducted a pipe bomb attack in New York City on 11 December 2017, bringing the total number of HVE attacks in 2017 to four, compared to six attacks in 2016 and seven attacks in 2015. Despite the noted decrease in attacks last year, the FBI had at least 1,000 HVE cases open in all 50 states and disrupted approximately one dozen HVE plots, both at levels comparable to 2016.

NCTC continues to assess that individuals are not drawn to violent extremism by a specific, single factor but from unmet psychological needs to which they see extremism as a solution. These needs range from factors that manifest themselves on a personal level, such as an individual's sense of fulfillment or certainty, to broader factors, such as a perceived lack of identity among members of a diaspora community. Although ranking the relative importance of these factors is difficult, we assess that violent extremism has a particularly strong appeal for those who feel disenfranchised.

NCTC believes far more people hold extremist viewpoints than will act upon them. However, some individuals with violent proclivities probably adopt extremist ideologies that they view as justifying their actions.

Hearing Date: 6 December 2017
Committee: Senate Homeland Security and
Governmental Affairs
Member: Senator Heidi Heitkamp
Witness: ODN/NCTC, Ms. Lora Shiao
Info Current as of: 6 March 2018

Question 2: As you know, the NCTC is charged with ensuring that other agencies with CT missions have access to and receive intelligence needed to accomplish their objectives. The NCTC plays an important role in supporting members of the policy, intelligence, law enforcement, defense, homeland security, and foreign affairs communities. Does the National Counterterrorism Center have the resources it needs to fulfil its mission?

Answer: NCTC thanks the Congress for its strong support. The Committee Members & Staff have been supportive and a great advocate for NCTC's mission and workforce. Like any Executive Branch organization, NCTC performs trade analysis to address which needs are the most critical and then reallocates resources from lower priority or obsolete tasks to cover unexpected changes; consistently looking for ways to operate more efficiently and collaboratively across the Intelligence Community. For significant changes that were outside of NCTC's planning parameters, Congress and the White House have routinely supported the vast majority of NCTC's requests for additional resources to meet new roles and responsibilities. At this time, NCTC does not have any specific requests for the Committee and looks forward to the possibility of a fully-funded appropriations measure in the weeks ahead.

Hearing Date:	6 December 2017
Committee:	Senate Homeland Security and Governmental Affairs
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Witness:	ODNI/NCTC, Ms. Lora Shiao
Info Current as of:	6 March 2018

Question 3: Are there steps Congress can take to enhance or improve NCTC capabilities?

Answer: The recent Congressional direction to move to the multi-sector workforce in Fiscal Year (FY) 2019 will give NCTC increased flexibility to meet its most pressing demands and to tailor the workforce to stay ahead of the threat. The one area that would help NCTC with its long term planning is addressing the differences of opinion as to what part of NCTC's program should be funded in the base budget verses Overseas Contingency Operations (OCO) and whether OCO funds can be planned in the out-years; this would greatly enhance the effectiveness and efficiency of the work executed under this account.

Hearing Date:	6 December 2017
Committee:	Senate Homeland Security and Governmental Affairs
Member:	Senator Heidi Heitkamp
Witness:	ODNI/NCTC, Ms. Lora Shiao
Info Current as of:	6 March 2018

Question 4: During the hearing, I referenced a story from the BBC News entitled “Raqqa’s Dirty Secret” from November 13, 2017. The story can be found at this link: http://www.bbc.co.uk/news/resources/idx-sh/raqqas_dirty_secret

I have several follow up questions for you on this topic.

The National Counter Terrorism Center (NCTC) serves as the custodian of the Terrorist Identities Datamart Environment (TIDE). Was NCTC involved in screening the ISIS individuals that were permitted to leave as part of the convoy referenced in the story?

Answer: NCTC received the data more than a week after the ISIS individuals departed. At the time, NCTC had limited information about the circumstances surrounding the data and was unaware of the specific details of its origin. NCTC conducted fingerprint searches against TIDE/other IC biometrics holdings in support of the identity discovery mission.

Raqqa's dirty secret

By Quentin Sommerville and Riam Dalati

The BBC has uncovered details of a secret deal that let hundreds of IS fighters and their families escape from Raqqa, under the gaze of the US and British-led coalition and Kurdish-led forces who control the city.

A convoy included some of IS's most notorious members and – despite reassurances – dozens of foreign fighters. Some of those have spread out across Syria, even making it as far as Turkey.

Lorry driver Abu Fawzi thought it was going to be just another job.

He drives an 18-wheeler across some of the most dangerous territory in northern Syria. Bombed-out bridges, deep desert sand, even government forces and so-called Islamic State fighters don't stand in the way of a delivery.

But this time, his load was to be human cargo. The Syrian Democratic Forces (SDF), an alliance of Kurdish and Arab fighters opposed to IS, wanted him to lead a convoy that would take hundreds of families displaced by fighting from the town of Tabqa on the Euphrates river to a camp further north.

The job would take six hours, maximum – or at least that's what he was told.

But when he and his fellow drivers assembled their convoy early on 12 October, they realised they had been lied to.

Instead, it would take three days of hard driving, carrying a deadly cargo - hundreds of IS fighters, their families and tonnes of weapons and ammunition.

Abu Fawzi and dozens of other drivers were promised thousands of dollars for the task but it had to remain secret.

The deal to let IS fighters escape from Raqqa – de facto capital of their self-declared caliphate – had been arranged by local officials. It came after four months of fighting that left the city obliterated and almost devoid of people. It would spare lives and bring fighting to an end. The lives of the Arab, Kurdish and other fighters opposing IS would be spared.

But it also enabled many hundreds of IS fighters to escape from the city. At the time, neither the US and British-led coalition, nor the SDF, which it backs, wanted to admit their part.

Has the pact, which stood as Raqqa's dirty secret, unleashed a threat to the outside world - one that has enabled militants to spread far and wide across Syria and beyond?

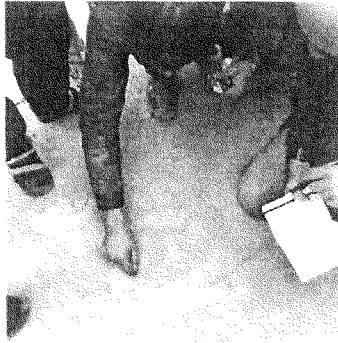
Great pains were taken to hide it from the world. But the BBC has spoken to dozens of people who were either on the convoy, or observed it, and to the men who negotiated the deal.

Out of the city

In a greasy yard in Tabqa, underneath a date palm, three boys are busy at work rebuilding a lorry engine. They are covered in motor oil. Their hair, black and oily, stands on end.

Near them is a group of drivers. Abu Fawzi is at the centre, conspicuous in his bright red jacket. It matches the colour of his beloved 18-wheeler. He's clearly the leader, quick to offer tea and cigarettes. At first he says he doesn't want to speak but soon changes his mind.

He and the rest of the drivers are angry. It's weeks since they risked their lives for a journey that ruined engines and broke axles but still they haven't been paid. It was a journey to hell and back, he says.



One of the drivers maps out the route of the convoy

"We were scared from the moment we entered Raqqa," he says. "We were supposed to go in with the SDF, but we went alone. As soon as we entered, we saw IS fighters with their weapons and suicide belts on. They booby-trapped our trucks. If something were to go wrong in the deal, they would bomb the entire convoy. Even their children and women had suicide belts on."

The Kurdish-led SDF cleared Raqqa of media. Islamic State's escape from its base would not be televised.

Publicly, the SDF said that only a few dozen fighters had been able to leave, all of them locals.

But one lorry driver tells us that isn't true.

We took out around 4,000 people including women and children - our vehicle and their vehicles combined. When we entered Raqqa, we thought there were 200 people to collect. In my vehicle alone, I took 112 people."

Another driver says the convoy was six to seven kilometres long. It included almost 50 trucks, 13 buses and more than 100 of the Islamic State group's own vehicles. IS fighters, their faces covered, sat defiantly on top of some of the vehicles.

Footage secretly filmed and passed to us shows lorries towing trailers crammed with armed men. Despite an agreement to take only personal weapons, IS fighters took everything they could carry. Ten trucks were loaded with weapons and ammunition.

The drivers point to a white truck being worked on in the corner of the yard. "Its axle was broken because of the weight of the ammo," says Abu Fawzi.

This wasn't so much an evacuation - it was the exodus of so-called Islamic State.

The SDF didn't want the retreat from Raqqa to look like an escape to victory. No flags or banners would be allowed to be flown from the convoy as it left the city, the deal stipulated.

It was also understood that no foreigners would be allowed to leave Raqqa alive.

Back in May, US Defence Secretary James Mattis described the fight against IS as a war of "annihilation". "Our intention is that the foreign fighters do not survive the fight to return home to north Africa, to Europe, to America, to Asia, to Africa. We are not going to allow them to do so," he said on US television.

But foreign fighters – those not from Syria and Iraq - were also able to join the convoy, according to the drivers. One explains:

There was a huge number of foreigners. France, Turkey, Azerbaijan, Pakistan, Yemen, Saudi, China, Tunisia, Egypt..."

Other drivers chipped in with the names of different nationalities.

In light of the BBC investigation, the coalition now admits the part it played in the deal. Some 250 IS fighters were allowed to leave Raqqa, with 3,500 of their family members.

"We didn't want anyone to leave," says Col Ryan Dillon, spokesman for Operation Inherent Resolve, the Western coalition against IS.

"But this goes to the heart of our strategy, 'by, with and through' local leaders on the ground. It comes down to Syrians – they are the ones fighting and dying, they get to make the decisions regarding operations," he says.

While a Western officer was present for the negotiations, they didn't take an "active part" in the discussions. Col Dillon maintains, though, that only four foreign fighters left and they are now in SDF custody.

IS family members prepare to leave

As it left the city, the convoy would pass through the well-irrigated cotton and wheat fields north of Raqqa. Small villages gave way to desert. The convoy left the main road and took to tracks across the desert. The trucks found it hard going, but it was much harder for the men behind the wheel.

Hearing Date: 6 December 2017
Committee: Senate Homeland Security and
Governmental Affairs
Member: Senator Heidi Heitkamp
Witness: ODNI/NCTC, Ms. Lora Shiao
Info Current as of: 6 March 2018

Question 5: Did the Department of Defense request any input from NCTC on whom to screen and how to administer the collection of biometrics?

Answer: No

Hearing Date:	6 December 2017
Committee:	Senate Homeland Security and Governmental Affairs
Member:	Senator Heidi Heitkamp
Witness:	ODNI/NCTC, Ms. Lora Shiao
Info Current as of:	6 March 2018

Question 6: Did NCTC provide any guidance to the Department of Defense on whom to screen and how to administer the biometric collection?

Answer: No

**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 16 2018

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the appearance of FBI Deputy Assistant Director Nikki L. Floris before the Committee on December 6, 2017, at a hearing entitled "Adapting to Defend the Homeland Against the Evolving International Terrorist Threat."

Please do not hesitate to contact this office if we may be of additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

A handwritten signature in black ink, reading "Prim Escalona". The signature is fluid and cursive, with the first name "Prim" and last name "Escalona" clearly visible.

Prim F. Escalona
Principal Deputy Assistant Attorney General

Enclosure

cc: The Honorable Patty Murray
Ranking Member

RESPONSES OF
NIKKI L. FLORIS
DEPUTY ASSISTANT DIRECTOR FOR COUNTERTERRORISM
FEDERAL BUREAU OF INVESTIGATION

TO QUESTIONS FOR THE RECORD
ARISING FROM A HEARING ENTITLED
“ADAPTING TO DEFEND THE HOMELAND AGAINST THE EVOLVING
INTERNATIONAL TERRORIST THREAT”

BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

DECEMBER 6, 2017

QUESTIONS FROM SENATOR JOHNSON

1. You testified that Section 702 of Public Law 110 - 261, or the FISA Amendments Act of 2008, is important “to the safety and security of the American people.” You reiterated the Administration’s request that Congress “permanently reauthorize title VII of FISA.” You testified that this program for targeting certain persons outside the United States other than United States Persons “has operated under strict rules and has been carefully overseen by all three branches of the government.” Please share with this Committee metrics¹ related to Section 702 regarding:
 - a. [A]ny evidence or claims of civil rights and civil liberties abuse of the program since it has been enacted; and

Response: The independent Privacy and Civil Liberties Oversight Board (Board), after completing a review of the Section 702 program, published its findings in a 2014 comprehensive report. In its report, the Board stated, unanimously, that it was “impressed with the rigor of the government’s efforts to ensure that it acquires only those communications it is authorized to collect, and that it targets only those persons it is authorized to target.”

¹Please provide unclassified metrics to the extent possible. Where metrics are classified, they may be provided under separate cover and delivered to the Office of Senate Security.

Moreover, the Board identified “no evidence of abuse” of Section 702-acquired information and stated that “the government has taken seriously its obligations to establish and adhere to a detailed set of rules regarding U.S. person communications that it acquires under the program.”

Agencies using Section 702 authority must report promptly to the Department of Justice and to the Office of the Director of National Intelligence (ODNI) incidents of noncompliance with the targeting or minimization procedures or the acquisition guidelines. Attorneys in the National Security Division (NSD) of the Department routinely review the agencies’ targeting decisions. The Department of Justice reports any incident of noncompliance with the statute, targeting procedures, and minimization procedures to the FISC, as well as to Congress. Oversight of Section 702 activities by the Department of Justice and ODNI has been deep and broad in scope.

- b. [A]ny evidence of the effectiveness of the program at protecting the homeland (plots or attacks thwarted, etc).

Response: Title VII of FISA allows the Intelligence Community, under a robust regime of oversight by all three branches of Government, to collect vital information about international terrorists, cyber actors, individuals and entities engaged in the proliferation of weapons of mass destruction, and other important foreign intelligence targets located outside the United States. As publicly reported by the Privacy and Civil Liberties Oversight Board, information collected under one particular section of FISA Amendments Act, Section 702, produces significant foreign intelligence that is vital to protect the nation against international terrorism and other threats.

There is no substitute for Section 702. Section 702 has been instrumental in preventing attacks on the homeland and removing terrorists from the battlefield.

2. On December 8, 2017, authorities arrested an 18-year-old U.S. citizen from Houston and charged him with unlawfully distributing explosive making instructions and attempting to provide material support to the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization. According to the criminal complaint, he further provided instructions on how to build an AK-47 or AR-15 assault rifle from readily available parts in order to avoid detection from authorities. In recent years, we have experienced a proliferation of how-to guides for terrorists that are broadly distributable on social media. You testified that “possessing, downloading, storing any sort of radicalizing material in and of itself is not a crime because of the protections of the First Amendment.” Please share:

- a. [A]ny reasons the Bureau feels that it cannot currently prosecute the *distribution* of instructions manuals for violent political ends; and
- b. [W]hat other helpful tools or authorities you believe the Bureau needs to prosecute the *distribution* of instruction manuals for violent political ends.

Response: 18 U.S.C. § 842(p) forbids teaching or demonstrating the making or use of an explosive, destructive device, or weapon of mass destruction, or distributing information about the manufacture or use of such devices, with the intent that the teaching, demonstration, or information constitute or further a Federal crime of violence. In fact, this charge was used against Kaan Sercan Damlarkaya, an 18-year-old U.S. citizen from Houston, who was charged with unlawfully distributing explosive making information and attempting to provide material support to ISIS, a designated foreign terrorist organization, in December 2017.

We can confirm that the Department uses the section 842(p) charge where appropriate to prosecute the distribution of information about making explosives. We would welcome the opportunity to engage with the Committee if additional tools or authorities are needed.

QUESTIONS FROM SENATOR HASSAN

1. During the hearing, I referenced a story from the BBC News entitled “Raqqa’s Dirty Secret” from November 13, 2017. The story can be found at this link: <http://www.bbc.co.uk/news/resources/idd-sh/raqqasdirtysecret>. I have several follow up questions for you on this topic.
 - The Federal Bureau of Investigation (FBI) administers the Terrorist Screening Database (TSDB), which is informally referred to as the “Watchlist”. Was the FBI involved in screening the ISIS individuals that were permitted to leave as part of the convoy referenced in the story?

Response: The article does not provide sufficient information to identify the referenced convoy, or for the FBI to determine whether it has information on any individual who participated in the reported convoy.

- Did the Department of Defense request any input from the FBI on whom to screen and how to administer the collection of biometrics?

Response: As mentioned above, the article does not have enough information for the FBI to identify the convoy that the article is referencing.

- Did the FBI provide any guidance to the Department of Defense on whom to screen and how to administer the biometric collection?

Response: See previous response.

- Upon collection of the biometrics, what happened to this information?

Response: See previous response.

- Were the biometrics then used to update or create new Terrorist Identities Datamart Environment (TIDE) or Terrorist Screening Database (TSDB) records? How many records were updated and how many new records were generated as a result of this process?

Response: The Department of Defense does provide biometric and biographic nominations following encounters that occur overseas, and this information may be used to revise or add records in the TSDB. However, the FBI cannot confirm that any nominations specifically related to individuals in the convoy were obtained, as the FBI cannot identify the convoy solely based off of the information included in the referenced article. Because of this, the Terrorist Screening Center cannot confirm the number of updated or generated records as a result of this convoy, if any.

- Are you confident that the screening performed on this convoy of ISIS fighters will give the United States sufficient data to help intercept those fighters or their families if they ever try to enter the US?

Response: Due to the absence of identifying information included in the article, the FBI cannot speak to the sufficiency of data that may have been obtained during a potential screening of the referenced convoy.

QUESTION FROM SENATOR MCCASKILL

Domestic Terrorism Statute

The United States faces threats from both international and domestic terrorists. There is no statute in the United States Criminal Code for “domestic terrorism.”

1. Should Congress pass a domestic terrorism statute? Please explain your answer.

Response: While there is no statute in the U.S. Criminal Code that specifically criminalizes “domestic terrorism”, the Department of Justice uses a wide variety of

criminal statutes, ranging from tax code violations to weapons violations to conspiracy, in order to investigate and prosecute the criminal conduct of those who engage in domestic terrorism. We would welcome the opportunity to engage with the Committee if additional tools or authorities are needed.

Number of Extremist Attacks

2. **What is the breakdown between domestic terrorism attacks versus counterterrorism [sic] attacks in the United States over the last 10 years?**

Response: The FBI works closely with our Federal, State, and local partners on terrorism matters – international and domestic. We have mechanisms, such as the Joint Terrorism Task Force, to facilitate information sharing on a routine basis. We continuously focus on current investigative efforts and how the threats will evolve, and have not historically maintained a list of attacks which occurred in previous years. To give you a snapshot, in 2017, the FBI and our partners have disrupted about 100 individuals related to domestic terrorism and more than 100 individuals associated with international terrorism.

QUESTIONS FROM SENATOR HEIDI HEITKAMP

1. **Before this Committee in September, FBI Director Wray testified that terrorists are using the internet and social media to spread propaganda and training materials to recruit and radicalize easily influenced individuals around the world.**
 - a. **Ms. Floris, could you briefly discuss some the challenges the FBI faces when tracking and addressing radicalization efforts online?**

Response: A rise in use of the Internet and social media to spread propaganda and to radicalize has introduced new challenges in identifying terrorist threats to the Homeland. The volume of social media presents technical challenges which may prevent the FBI from proactively identifying a threat—even if the threat manifests in the open.

In a manner consistent with First Amendment protections, we are working to expose, refute, and combat terrorist propaganda and training available via the Internet and social media networks. Due to online recruitment and indoctrination, foreign terrorist organizations are no longer solely dependent on finding ways to get terrorist operatives into the United States to recruit and carry out acts. Terrorists in ungoverned spaces—both physical and cyber—readily disseminate propaganda and training materials to attract easily influenced individuals around the world to their

cause. They encourage these individuals to travel, or they motivate them to act at home. This is a significant transformation from the terrorist threat our nation faced a decade ago.

Some of these conversations occur in publicly accessed social networking sites, but others take place via private messaging platforms. It is imperative the FBI and all law enforcement organizations understand the latest communication tools and are positioned to identify and prevent terror attacks in the Homeland. We live in a technologically-driven society and just as private industry has adapted to modern forms of communication, so too have the terrorists. Unfortunately, changing forms of electronic communication create new scenarios for laws and technology designed to allow for lawful access to electronic communication content. This growing gap the FBI refers to as Going Dark is the source of continuing focus for the FBI; it must be urgently addressed as there are grave risks for both traditional criminal matters as well as in national security matters. We are striving to ensure appropriate, lawful collection remains available.

b. On the local level, what steps is the FBI taking to engage with communities to prevent radicalization and homegrown extremism?

Response: The better we know our communities, the better we can protect them. The Community Relations Unit at FBI Headquarters and FBI community outreach specialists in field offices across the country create and strengthen relationships locally and nationally with religious and civic organizations, schools, minority groups, non-profits, and other entities. These partnerships have led to a host of crime prevention programs, enabling all citizens to become alert to potential acts of terror and extremism.

The FBI utilizes a comprehensive violence reduction strategy, which focuses on all pathways to violence but is not limited to the sole focus of homegrown violent extremism. Our violence reduction strategy is primarily composed of prevention and intervention lines of effort.

In collaboration with our State and local partners, the FBI has historically been very successful in outreach programs designed to reach certain communities who are at greater risk for radicalization. For example, FBI Minneapolis served as a pilot program for the Bureau immediately after September 11, 2001, when their executive management regularly hosted focus group meetings with specific audiences, such as the Somali elders, in order to address their concerns and needs.

The FBI also focuses on education for different catalysts regarding radicalization designed to help the public increase awareness of radicalization. These products are widely disseminated to law enforcement and community partners for further engagement with the public, and demand continues to increase for additional products.

**Post-Hearing Questions for the Record
Submitted to Robin Taylor
From Senator Maggie Hassan**

“Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”

December 6, 2017

Question#:	1
Topic:	Joint Task Force
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Margaret Wood Hassan
Committee:	HOMELAND SECURITY (SENATE)

Question: When Secretary Nielsen was before HSGAC for her confirmation hearing, we discussed the future threat of foreign fighters, especially after ISIS is defeated on the battlefield.

Ms. Nielson suggested that one of the ways the Department could handle the challenges of foreign-fighters is the through the creation of a formal joint task force (or JTF) at DHS that focuses on ISIS foreign fighters.

As you know, joint task forces have served as an important mechanism for the Department's Unity-of-Effort initiative, as they bring together all of the Department's resources-spread across headquarters and the components-under one roof in order to most effectively tackle an issue.

As the Department's intelligence unit, the DHS Office of Intelligence & Analysis (I&A) would likely need to be a part of any future joint-task-force on foreign fighters. From your perspective, how could DHS I&A best support a potential Joint-Task-Force on foreign fighters?

Response: I&A is a long standing participant on an interagency Intelligence Community task force which monitors the travel of foreign fighters to and from conflict zones. In that role, I&A provides in-depth analysis on foreign fighter travel, messaging, and radicalization in support of the foreign fighter issue.

Since 2013, I&A has provided full-time, on-site, analytic support to interagency foreign fighter efforts—headquartered at the National Counterterrorism Center— through the Tri Seal Working Group (DHS-FBI-NCTC) on US person foreign fighters and NCTC’s larger foreign fighter tracking effort. This interagency group of intelligence analysts tracks all-source intelligence identifying known or suspected foreign fighters and travel

Question#:	1
Topic:	Joint Task Force
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Margaret Wood Hassan
Committee:	HOMELAND SECURITY (SENATE)

to and from the Iraq and Syria conflict zones, as well as disrupted travelers. As part of this effort, DHS and its partners produce finished analytic intelligence products based on data ranging from highly compartmented intelligence to unclassified DHS holdings concerning travel and immigration status. I&A is also presently exploring the expansion of support to U.S. Customs and Border Protection's National Targeting Center, to aid in information processing and analysis intended to identify suspected terrorists and foreign fighters attempting travel to the United States.

**Post-Hearing Questions for the Record
Submitted to Robin Taylor
From Senator Heidi Heitkamp**

“Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”

December 6, 2017

Question#:	2
Topic:	Causes
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: Mr. Taylor, as you know, one of the central missions of the Office of Intelligence and Analysis is to provide unique, predictive intelligence and analysis to inform decision-makers on effective means to counter violent extremism. I place a lot of value on building relationships within the community in order to prevent radicalization and homegrown extremism, and I believe that programs like DHS's Countering Violent Extremism program serve an important function.

In general, what are the major causes of violent extremism and what aspects does the federal government need to consider when engaging in efforts to counter extremist elements?

Response: Mounting research and intelligence both show that radicalization to violence is not linear; individuals' radicalization to violence is idiosyncratic, varying considerably from one person to another. As such, effective terrorism prevention cannot rely on a tool that predicts who will radicalize to violence—no valid tools can capture the variability of radicalization to violence without significant false positives rendering them counterproductive. To address all forms of terrorism, terrorism prevention focuses on addressing the risk factors that most render individuals vulnerable to radicalization to violence and the mechanisms that facilitate the radicalization process. As noted earlier, prevention programs do not predict who will radicalize to violence. Radicalization to violence is a complex phenomenon that derives from causal factors residing at different levels of analysis: within the individual, among their social networks and across the population writ broadly. Terrorism prevention must identify these risk factors and focus efforts on them at whatever level of analysis they reside. In addition, terrorism prevention must identify and promote those aspects of individuals, peer groups and society that render them most resistant to recruitment and inspiration to violence. The result is to construct both awareness of and resistance and rejection of the terrorist narrative within people, among their families and friends, and across communities.

Question#:	2
Topic:	Causes
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Terrorism prevention cannot solely focus on increasing resistance to recruitment and radicalization to violence in our communities to meet with success—it must also counter the narratives that are used to recruit and radicalize individuals to violence. Thus, DHS works with partners in our communities through field staff, grant awards, community awareness briefings and other mechanisms to ensure they have the capacity, access and information they need to deflect and degrade the narratives that terrorists use to recruit and inspire individuals to violence. It is widely understood that there are distinct challenges that government faces in attempting to counter the narratives of terrorist groups and movements. Community-based actors, however, have shown themselves very capable and adept at accomplishing this objective. DHS uses appropriate means to support these groups' efforts to enhance and expand their work. Additionally, terrorism prevention must be integrated into other forms of local prevention and intervention services to maintain credibility among those groups and individuals that are most important to its success. Trust is a key factor in terrorism prevention and that is precisely why the Department works with a host of local partners to build and maintain trust on a regular basis. Integrating terrorism prevention programs into broader efforts to strengthen communities offers sustainability and positions the mission for future success.

Question#:	3
Topic:	Fusion Centers
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: As you know, fusion centers are information sharing hubs that promote collaboration between federal agencies, state and local governments, and private sector partners. They play an important role in the analysis and dissemination of threat-related information.

In your view, how effective are fusion centers in detecting and countering violent extremism?

Response: DHS is working with a broad range of partners, including state and major urban area fusion centers, to support efforts that detect violent extremism and prevent terrorism. Fusion centers play an important role in terrorism prevention efforts and protecting local communities from terrorism and violent crime through their daily operations, including gathering, analyzing, and sharing threat information. As analytic and intelligence hubs, fusion centers are uniquely situated to empower frontline personnel to understand the local implications of national intelligence by tailoring national threat information into a local context and helping frontline personnel understand terrorist and criminal threats they could encounter in the field, while protecting the privacy, civil rights, and civil liberties of individuals in their communities. Fusion centers inform the federal government of the threats and issues they encounter in their communities, which in turn helps the federal government to better support local efforts. DHS believes fusion centers are effective partners in providing grassroots intelligence and analytic capabilities that:

- Assist in the prioritization of resources to mitigate threats;
- Inform frontline personnel in their community engagement efforts, to include raising awareness of potential threats in their communities;
- Incorporate local law enforcement information in their analytic efforts, in order to create better-informed, relevant, and actionable products;
- Educate and inform state and local partners on behaviors and indicators of potential threats; and
- Leverage Fusion Liaison Officer (FLO) programs to facilitate the exchange of information between fusion centers and their stakeholders, as FLO programs represent a valuable approach to building partnerships between fusion centers and local community-policing efforts.

Question#:	3
Topic:	Fusion Centers
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: Are there steps Congress could take to help DHS and fusion centers share information?

Response: DHS I&A leads the Department's efforts to drive collaboration and intelligence sharing between DHS and our federal, state, and local governments, and private sector partners. DHS I&A's field personnel serve as the Domestic Department of Homeland Security Intelligence Enterprise Representatives, enabling them to increase intelligence enterprise collaboration and dissemination to our partners. I&A's deployed Intelligence Officers (IOs) are the Department's fusion center subject matter experts (SME) wearing multiple hats to include providing intelligence and information sharing support, conducting intelligence collection and reporting, and conducting intelligence analysis. Presently, I&A has 54 Intelligence Officers (IOs) deployed to primary fusion centers, and six assigned to the six major urban area fusion centers due to the congressional cap on IOs. Total IO deployment to fusion centers is currently limited to 60. The remaining 19 fusion centers of the 79 are supported virtually, leaving a significant IO fusion center support gap. (Note: there is also one IO deployed to a non-fusion center strategic location in New York City in support of NYPD partners.) I&A and fusion centers also suffer from a dearth of Reports Officers (ROs) whose responsibilities are to focus on raw intelligence collection and reporting. I&A is currently capped at 29 ROs. This number is insufficient with the amount of sources and data available nationwide leading to a significant intelligence reporting gap. I&A and fusion centers also have great need for Regional Intelligence Analysts (RIAs) to help augment opportunities for joint intelligence production with state and local fusion center partners.

Congress may help improve the information sharing environment between DHS and fusion centers by lifting the IO cap of 60 and the RO cap of 29, increasing these respective personnel in the I&A field, deploying RIAs to fusion centers, and allowing for an increase in Field Operations Headquarters personnel. This support will ultimately enhance I&A opportunities for targeted intelligence collection and reporting; improve I&A joint intelligence production with state and local partners; and increase our collaborative efforts to share information nationwide.

**Post-Hearing Questions for the Record
Submitted to Robin Taylor
From Senator Claire McCaskill**

“Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”

December 6, 2017

Question#:	4
Topic:	Risk Analysis
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The President's Fiscal Year (FY) 2018 budget request would strip \$582.8 million from critical counterterrorism programs that DHS administers.

Did DHS conduct a risk analysis before the decision was made to significantly cut a number of counterterrorism grant programs in the FY 18 DHS budget request?

Response: Each year DHS conducts an annual Program and Budget Review (PBR) from April through August to balance resources across programs with the intent to minimize risk to the Nation and maximize results toward DHS mission and goals.

Question#:	5
Topic:	Budget Process
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: At the hearing, I asked you about the President's budget proposal for counterterrorism programs. You said, "I do not have any direct visibility on the ongoings of that process, I was not part of that." I am concerned by the suggestion that the DHS Office of Intelligence and Analysis would not be able to provide input into critical counterterrorism programs.

Please explain what opportunity the Office of Intelligence and Analysis has to provide input into the President's budget proposal, both as part of DHS's initial request to the White House Office of Management and Budget (OMB) and any appeal following OMB's guidance.

Response: In addition to the preparation of its own budget, I&A typically reviews the budgets of the Intelligence elements of the Components and provides input to the DHS Secretary. I&A also has input into the Resource Planning Guidance issued to the Components at the beginning of the budget cycle. Finally, I&A is a member of the Deputy's Management Action Group (DMAG). The DMAG makes decisions on the entirety of DHS budget and programs, which is presented in alignment with the DHS Strategic Plan (e.g., Mission 1: Prevent Terrorism and Enhance Security).

Question#:	6
Topic:	VIPR
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: At the hearing, I asked if any of the witnesses disagreed that Visible Intermodal Prevention and Response (VIPR) teams were effective in the airports. None did. Unfortunately, I have learned that OMB has instructed DHS to eliminate the program in 2019.

Given your opinion that VIPR teams are effective, why should the program be terminated?

Response: DHS and TSA are obligated to holistically review programs and functions that enhance homeland security, and weigh the contributions of each. In the case of VIPR teams, state and local law enforcement agencies will continue the primary activities where VIPR teams were previously deployed. DHS must focus its resources on the highest priority and most effective programs, therefore, DHS supports the President's budget to adjust and reprioritize funding from VIPR teams to other homeland security missions.

Question#:	7
Topic:	OTTP
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Recently, DHS announced it was reorganizing and renaming the Department's office focused on countering violent extremism (CVE). The entity, created during President Obama's tenure, was called the Office of Community Partnerships (OCP). The new name is the Office of Terrorism and Prevention Partnerships (OTTP).

How does DHS anticipate the name change of the Office of Community Partnerships to the Office of Terrorism and Prevention Partnerships will impact the work it is trying to accomplish?

Response: The Office of Terrorism Prevention Partnerships (OTPP), formerly named the Office for Community Partnerships (OCP), continues to facilitate and support state, local, tribal, territorial, and non-governmental, community-based efforts to implement prevention programs within the United States that target radicalization and mobilization to violence for all forms of terrorism. OTPP also provides greater clarity about our mission of preventing terrorist recruitment and radicalization to violence.

Since its establishment, and as appropriated by Congress, the office had been funded through the Office of Partnership and Engagement (OPE) for budget and administrative purposes, but previously reported directly to the Secretary for policy and programmatic purposes during its start-up phase. Now that the organization has matured, OTPP has become a formal component of OPE, which will increase efficiency and bolster resources and support for its role in the critical mission of terrorism prevention. When OCP was established, it temporarily reported to the Secretary on progress even though operational offices are not typically part of the Office of the Secretary. This move completes the expected transition, aligning with Congressional expectations.

OTPP is working with a broad range of stakeholders to implement, mature, and strengthen its terrorism prevention programs and to improve collaboration and coordination of department activities. With this institutionalized position, OTPP has greater resources and support to strengthen the critical mission of terrorism prevention. OTPP's alignment with OPE entities, including the Office of Intergovernmental Affairs (IGA), the Private Sector Office (PSO), and the Office of State and Local Law Enforcement (OSLLE), enhances engagement opportunities with stakeholders across the country.

This renewed purpose emphasizes the mutual benefits of partnership tools and objectives to advance DHS terrorism prevention programs. This includes enhancing education and community awareness regarding the threat, providing resources to support terrorism

Question#:	7
Topic:	OTTP
Hearing:	Adapting to Defend the Homeland Against Evolving International Terrorist Threat
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

prevention stakeholders where applicable, coordinating relevant DHS terrorism prevention activities, actively countering terrorist radicalization and recruitment, and promoting early warning so that our frontline defenders can intervene to stop attacks and help prevent individuals from going down the path to violence.