

AMPLIFYING LOCAL EFFORTS TO ROOT OUT TERROR ACT
 OF 2016

FEBRUARY 29, 2016.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4401]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4401) to authorize the Secretary of Homeland Security to provide countering violent extremism training to Department of Homeland Security representatives at State and local fusion centers, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 4401 is to authorize the Secretary of Homeland Security to provide countering violent extremism training to Department of Homeland Security representatives at State and local fusion centers, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In September 2015, the final report of the Committee on Homeland Security's Task Force on Combating Terrorist and Foreign Fighter Travel was published. The report, produced by a bipartisan panel, issued 32 findings and provided more than 50 recommendations for enhancing U.S. security. Among other conclusions, the Task Force report found that the majority of recent disruptions of aspiring U.S. foreign fighters occurred because of or were aided by warnings to law enforcement, whether from family, friends, informants, or the general public. Nevertheless, few initiatives exist nationwide to raise community awareness in order to keep more individuals from being recruited to join overseas terrorist organizations.

Information from the public is crucial for stopping foreign fighter flows. "A lot of cases we've disrupted, it's because somebody tipped us off," explained one senior Administration official who spoke with the members of the Task Force. The Federal Bureau of Investigation, the Department of Homeland Security (DHS), and other agencies do investigative work to identify extremists, but without community engagement their work is considerably more difficult.

Today, the Obama Administration relies on small initiatives with few staff to spread awareness about the threat. The Task Force report found that the Community Awareness Brief is the federal government's primary domestic outreach effort to address domestic violent extremism and inform communities about terrorist recruiting. Also utilized are Community Resilience Exercises, which are designed to engage participants in mock scenarios involving the radicalization of a community member to pursue violent extremism. Unfortunately, resource constraints have kept these initiatives from being scaled beyond one-off presentations held intermittently around the country.

The Task Force report recommended that DHS should use the National Network of Fusion Centers to more widely deploy initiatives such as the Community Awareness Brief and Community Resilience Exercise, designed to increase local understanding of the foreign fighter threat. Training fusion center staff around the country to help conduct these briefings and other types of outreach to counter violent extremism could help to increase community awareness and buy-in from local participants and more importantly, help stop terrorist travel and potential plots.

The Task Force report also found that state and local law enforcement personnel continue to express concern that they are not provided with important counterterrorism information, whether because of a lack of security clearances, insufficient security clearance levels, or delays in security clearance processing.

State and local law enforcement partners are essential for deterring, detecting, and disrupting terrorist travel. However, the Task Force report found that there is frustration among state and locals

about the security clearance process. Some departments with a presence at fusion centers say they have too few officers or none with security clearances, while others feel hamstrung by the long delays in security clearance processing.

Security clearance levels are also an issue. Most State and local law enforcement personnel who are granted security clearances are approved up to the “Secret” level. However, counterterrorism information is often classified at “Top Secret” and above, making it difficult, if not impossible, for those officers to assist in sensitive cases. In response to Congressional and fusion center concerns, DHS decided in 2015 to sponsor certain clearances and streamline its process to make it easier for state and local law enforcement to be granted higher clearances. As a complement to this response, this legislation would enhance oversight by requiring the Department to give Congress a snapshot of the clearances it has sponsored for state and locals around the country so that the American people’s representatives can make sure the right stakeholders have access to the right information to keep our country safe.

HEARINGS

The Committee did not hold any hearings on H.R. 4401, however, the Committee held the following oversight hearings:

On February 11, 2015, the Committee held a hearing entitled “Countering Violent Islamist Extremism: The Urgent Threat of Foreign Fighters and Homegrown Terror.” The Committee received testimony from Hon. Francis X. Taylor, Under Secretary, Intelligence and Analysis, U.S. Department of Homeland Security; Hon. Nicholas J. Rasmussen, Director, National Counterterrorism Center, Office of the Director of National Intelligence; and Mr. Michael B. Steinbach, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, U.S. Department of Justice.

On March 24, 2015, the Committee held a hearing entitled “A Global Battleground: The Fight Against Islamist Extremism at Home and Abroad.” The Committee received testimony from Hon. Newt Gingrich, Former Speaker of the U.S. House of Representatives; General Michael Hayden (USAF-Ret.), Former Director, Central Intelligence Agency and Former Director, National Security Agency; Mr. Philip Mudd, Senior Fellow, New America Foundation; and Mr. Brian Michael Jenkins, Senior Adviser to the RAND President, The RAND Corporation.

On June 3, 2015, the Committee held a hearing entitled “Terrorism Gone Viral: The Attack in Garland, Texas and Beyond.” The Committee received testimony from Mr. John J. Mulligan, Deputy Director, National Counterterrorism Center; Hon. Francis X. Taylor, Under Secretary, Intelligence and Analysis, U.S. Department of Homeland Security; and Mr. Michael B. Steinbach, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, U.S. Department of Justice.

On July 15, 2015, the Committee held a hearing entitled “The Rise of Radicalization: Is the U.S. Government Failing to Counter International and Domestic Terrorism?” The Committee received testimony from Ms. Farah Pandith, Adjunct Senior Fellow, Council on Foreign Relations; Mr. Seamus Hughes, Deputy Director, Program on Extremism, Center for Cyber and Homeland Security,

George Washington University; and Mr. J. Richard Cohen, President, Southern Poverty Law Center.

On September 8, 2015, the Committee held a field hearing in New York City, New York entitled “Beyond Bin Laden’s Caves and Couriers to A New Generation of Terrorists: Confronting the Challenges in a Post 9/11 World.” The Committee received testimony from Hon. Rudolph “Rudy” W. Giuliani, Former Mayor, City of New York, New York; Mr. William J. Bratton, Commissioner, Police Department, City of New York, New York; Mr. Daniel A. Nigro, Commissioner, Fire Department, City of New York, New York; Mr. Lee A. Ielpi, President, September 11th Families Association; and Mr. Gregory A. Thomas, National President, National Organization of Black Law Enforcement Executives.

On October 21, 2015, the Committee held a hearing entitled “Worldwide Threats and Homeland Security Challenges.” The Committee received testimony from Hon. Jeh C. Johnson, Secretary, Department of Homeland Security; Hon. Nicholas J. Rasmussen, Director, The National Counterterrorism Center, Office of the Director of National Intelligence; and Hon. James B. Comey, Director, Federal Bureau of Investigation, U.S. Department of Justice.

On November 18, 2015, the Committee on Homeland Security and the Committee on Foreign Affairs held a joint hearing entitled “The Rise of Radicalism: Growing Terrorist Sanctuaries and the Threat to the U.S. Homeland.” The Committees received testimony from Hon. Matthew G. Olsen, Co-Founder and President, Business Development and Strategy, IronNet Cybersecurity; Gen. John M. Keane (Ret. U.S. Army), Chairman of the Board, Institute for the Study of War; and Mr. Peter Bergen, Vice President, Director International Security and Fellows Programs, New America.

COMMITTEE CONSIDERATION

The Committee met on February 2, 2016, to consider H.R. 4401, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

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

No recorded votes were requested during consideration of H.R. 4401.

COMMITTEE OVERSIGHT FINDINGS

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

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4401, the Amplifying Local Efforts to Root out Terror Act of 2016, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 29, 2016.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4401, the ALERT Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 4401—ALERT Act of 2016

H.R. 4401 would require the Department of Homeland Security (DHS), within 150 days of the bill's enactment, to submit to the Congress an assessment of DHS efforts to combat violent extremism at state, local, tribal, and territorial levels. The bill also would direct DHS, within 30 days of enactment, to report to the Congress on the number of employees of state, local, tribal, and territorial governments with security clearances sponsored by the department.

Based on information from DHS, CBO estimates that implementing H.R. 4401 would cost less than \$500,000; such spending would be subject to the availability of appropriated funds. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 4401 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4401 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State, local, and tribal governments could benefit from training authorized in the bill; any costs to those governments would be incurred voluntarily.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4401 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of H.R. 4401 is to give the Department the ability to enhance U.S. Government outreach for countering violent extremism (CVE). The Committee found that community engagement is

critical for mitigating terrorism threats, yet few CVE initiatives exist Nation-wide to help communities better identify and mitigate such threats. Training fusion center personnel offers the opportunity to rapidly “scale up” CVE activities around the country. The bill requires an assessment of DHS efforts to support State, local, tribal, and territorial CVE activities, with the goal of searching for additional opportunities for assistance and identifying CVE best practices. Furthermore, the bill also includes a requirement for DHS to report to Congress on the number of security clearances sponsored by DHS for State and local government personnel nationwide and the level of such clearances so that Congress can ensure the right stakeholders are getting access to the right information in order to help connect the dots and assist with other counterterrorism efforts.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4401 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

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

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4401 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4401 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO LEGISLATIVE BRANCH

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

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Amplifying Local Efforts to Root out Terror Act of 2016” or the “ALERT Act of 2016”.

*Section 2. Countering violent extremism training**Subsection (a)—Authorization of training*

This subsection authorizes the Secretary of Homeland Security to provide training for personnel at State and major area fusion centers, including State, local, tribal, and territorial fusion center representatives, to administer community awareness briefings and related activities for countering violent extremism (CVE), identifying and reporting suspicious activities, and identifying terrorism threats-including those related to foreign fighters. The Committee believes that fusion center training could be an effective tool for the Secretary to deliver CVE programs nationwide.

Subsection (b)—Coordination

This subsection requires the Secretary, to the extent practicable, to coordinate the training with the heads of other relevant agencies engaged in CVE outreach. In particular, the Committee believes such training should be done in close coordination with the National Counterterrorism Center, the Department of Justice, the Department of State, and other appropriate agencies involved in CVE activities.

*Sec. 3. Countering violent extremism assessment**Subsection (a)—Assessment required*

This subsection requires the Secretary, in consultation with local stakeholders, to assess Department of Homeland Security (DHS) efforts to support CVE activities at the State, local, Tribal, and territorial levels. The assessment must occur no later than 120 days after enactment and include:

1. A cataloguing of DHS efforts to assist such governments with CVE activities;
2. A review of cooperative agreements between DHS and such governments on CVE; and
3. An evaluation of DHS plans and opportunities to better support the CVE activities of such governments, consistent with all relevant constitutional, legal, and privacy protections.

Subsection (b)—Submission to Congress

This subsection requires that, not later than 150 days after enactment, the Secretary must submit the findings of the review to the appropriate Congressional committees along with any related information regarding CVE best practices at the State, local, Tribal, and territorial levels.

Sec. 4. Department-sponsored clearances

This section requires the Secretary of Homeland Security, not later than 30 days after enactment of this Act, to notify the appropriate Congressional committees regarding the number and level of

security clearances sponsored by DHS that are held by State, local, Tribal, and territorial government personnel. The Committee believes such personnel can be a force multiplier in countering terrorism threats to the homeland and, accordingly, may require access to the necessary sensitive information to be involved in such efforts.

Sec. 5. Prohibition on additional funding

This section requires the Secretary of Homeland Security to complete the training activities, CVE assessments, and clearance notification, required under this Act using funds already appropriated or made available to the Department of Homeland Security.

Sec. 6. Definitions

This section defines “appropriate congressional committees” and “violent extremism”.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4401 makes no changes to existing law.

