

DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR
 INTERNATIONAL PROGRAMS ACT

MAY 13, 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. 4780]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4780) to require the Secretary of Homeland Security to develop a comprehensive strategy for Department of Homeland Security operations abroad, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Homeland Security Strategy for International Programs Act”.

SEC. 2. COMPREHENSIVE STRATEGY FOR INTERNATIONAL PROGRAMS FOR VETTING AND SCREENING PERSONS SEEKING TO ENTER THE UNITED STATES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a comprehensive three-year strategy for international programs of the Department of Homeland Security in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(b) **CONTENTS.**—The strategy required under subsection (a) shall include, at a minimum, the following:

(1) Specific Department of Homeland Security risk-based goals for international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(2) A risk-based method for determining whether to establish new international programs in new locations, given resource constraints, or expand existing international programs of the Department, in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(3) Alignment with the highest Department-wide and Government-wide strategic priorities of resource allocations on international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(4) A common reporting framework for the submission of reliable, comparable cost data by components of the Department on overseas expenditures attributable to international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(c) **CONSIDERATIONS.**—In developing the strategy required under subsection (a), the Secretary of Homeland Security shall consider, at a minimum, the following:

(1) Information on existing operations of international programs of the Department of Homeland Security in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States that includes corresponding information for each location in which each such program operates.

(2) The number of Department personnel deployed to each location at which an international program referred to in subparagraph (A) is in operation during the current and preceding fiscal year.

(3) Analysis of the impact of each international program referred to in paragraph (1) on domestic activities of components of the Department of Homeland Security.

(4) Analysis of barriers to the expansion of an international program referred to in paragraph (1).

(d) **FORM.**—The strategy required under subsection (a) shall be submitted in unclassified form but may contain a classified annex if the Secretary of Homeland Security determines that such is appropriate.

PURPOSE AND SUMMARY

H.R. 4780 requires the Secretary of Homeland Security to create a comprehensive three-year strategy for the Department of Homeland Security’s (DHS) international programs related to vetting and screening persons seeking to enter the United States. H.R. 4780 would provide Congress with information on the current status of DHS’s growing international presence and plans for future expansion that will enable appropriate oversight into these programs.

BACKGROUND AND NEED FOR LEGISLATION

To counter terror groups such as al Qaeda, the Islamic State of Iraq and the Levant (ISIL), and other terrorists from traveling to

the homeland, DHS has established several international programs designed to thoroughly vet and screen such individuals before travel to the United States. Through its international footprint, DHS personnel overseas effectively extend our nation's borders to increase the security of the United States. Three main programs used by DHS to enhance border security overseas are: Visa Security Program (VSP); Immigration Advisory Program (IAP); and Custom and Border Protection's (CBP) Preclearance operations.

Through the VSP, Immigration and Customs Enforcement deploys specially trained agents to diplomatic posts worldwide to conduct additional visa security screening and quickly identify potential terrorists or criminal threats before they reach the United States. Agents provide an additional level of review for persons of special interest or concern, review visa applications, liaise with host country immigration and border security officials, and conduct investigations with a nexus to U.S. travel and security. The program has agents posted at consulates and embassies in 21 countries, with additional plans to expand to four more locations. The State Department has more than 250 consular posts abroad, and has identified many other high-risk locations that could benefit from the posting of these trained ICE agents.

Under IAP, CBP officers are stationed overseas to work with border control authorities, foreign law enforcement agencies, and air carriers to identify and prevent potential terrorists and high-risk passengers from boarding aircraft destined to the United States. The primary mission of the IAP is to discreetly support host-country airline and security employees with document examination and traveler security assessments with review of traveler information during the processing of U.S. bound flights. Officers also provide no-board recommendations when individuals bound for the United States pose a security threat, or otherwise are ineligible to enter the country.

CBP's Preclearance operations allow CBP officers to inspect and clear commercial passengers on foreign soil, prior to boarding an aircraft bound for the United States. Preclearance operations involve the same comprehensive inspection and examination of travelers and their belongings in foreign locations prior to boarding aircraft bound for the United States that they would receive at a U.S. airport of entry. Conducting immigration, agricultural and customs inspections before travel ensures that only cleared passengers will board flights to the homeland. Once cleared on foreign soil, passengers do not have to go through customs upon arrival to the United States, facilitating travel in the process.

Although these programs provide national security and travel facilitation benefits, the growing DHS presence overseas would benefit from a long-term strategy that guides the Department in the deployment of officers and agents in a risk-based manner to maximize the security benefit from limited taxpayer dollars.

The comprehensive strategy required by this bill will help ensure that the Department is managing these programs effectively and that Congress has the appropriate insight necessary to conduct proper oversight.

HEARINGS

No hearings were held on H.R. 4780 in the 114th Congress, however the Committee held the following oversight hearing.

On June 2, 2015, the Subcommittee on Border and Maritime Security held a hearing entitled “The Outer Ring of Border Security: DHS’s International Security Programs.” The Subcommittee received testimony from Hon. Alan D. Bersin, Assistant Secretary and Chief Diplomatic Officer, Office of Policy, U.S. Department of Homeland Security; Mr. John Wagner, Deputy Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Mr. Lev J. Kubiak, Assistant Director, International Operations, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; and Ms. Rebecca Gambler, Director, Homeland Security and Justice Issues, U.S. Government Accountability Office.

COMMITTEE CONSIDERATION

The Committee met on March 23, 2016, to consider H.R. 4780, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The following amendment was offered:

An amendment offered by MR. THOMPSON of Mississippi (#1); was AGREED TO by unanimous consent.

In section 2(d), strike “by” and insert “but”.

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. 4780.

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. 4780, the Department of Homeland Security Strategy for International Programs Act, 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, May 13, 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. 4780, the Department of Homeland Security Strategy for International Programs Act.

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. 4780—Department of Homeland Security Strategy for International Programs Act

H.R. 4780 would require the Department of Homeland Security (DHS), within 180 days of the bill's enactment, to transmit to the Congress a comprehensive three-year strategy to enhance DHS programs that deploy personnel and resources abroad to screen persons seeking to enter the United States. Based on the costs of similar activities, CBO estimates that creating that strategy 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. 4780 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4780 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

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. 4780 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The general performance goals and objectives of H.R. 4780 are to require the Secretary of Homeland Security to create a comprehensive three-year strategy for the Department of Homeland Security's international programs that conduct vetting and screening operations.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4780 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. 4780 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4780 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 “Department of Homeland Security Strategy for International Programs Act”.

Sec. 2. Comprehensive strategy for international programs for vetting and screening persons seeking to enter the United States

(a) In General.—

This subsection requires that the Secretary of Homeland Security, within 180 days of enactment of this Act, submit to Congress a comprehensive three-year strategy for the Department of Homeland Security’s international programs related to vetting and screening persons seeking to enter the United States.

(b) Contents.—

This subsection requires that the strategy required in subsection (a) include, at a minimum: specific risk-based goals for these international programs, a risk-based method for determining whether to establish new international programs in new locations or expand existing locations for these international programs, alignment with Department-wide and Government-wide strategic priorities of resource allocations for these international programs, and a common reporting framework for the submission of reliable and comparable cost data on overseas expenditures attributable to these international programs. The Committee believes greater transparency of costs related to international programs will benefit the Committee's oversight of such activities.

(c) Considerations.—

This subsection requires the Secretary of Homeland Security, when developing the strategy required in subsection (a), to consider information on existing operations of the Department's international programs including corresponding information for each location, the number of DHS personnel deployed to each international location that is in operation during the current and preceding fiscal year, an analysis of the impact of each international program on domestic activities of components of the Department, and an analysis of barriers to the expansion of an international program. The Committee believes expansion of international programs, while useful for enhancing security and facilitating travel to the United States, should not come at the expense of resources dedicated to domestic operations.

(d) Form.—

This subsection requires that the strategy required under subsection (a) be submitted in unclassified form but provides the Secretary of Homeland Security the option of including a classified annex to the report if necessary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4780 makes no changes to existing law.

