

DHS OVERSEAS PERSONNEL ENHANCEMENT ACT OF 2017

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

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

R E P O R T

[To accompany H.R. 4567]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4567) to require a Department of Homeland Security overseas personnel enhancement plan, 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 “DHS Overseas Personnel Enhancement Act of 2017”.

SEC. 2. OVERSEAS PERSONNEL BRIEFING.

(a) **IN GENERAL.**—Not later than 90 days after submission of the comprehensive three-year strategy required under section 1910 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) and every 180 days thereafter, the Secretary of Homeland Security shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding Department of Homeland Security personnel with primary duties that take place outside of the United States.

(b) **REQUIREMENTS.**—The briefing required under subsection (a) shall include the following:

(1) A detailed summary of each type of personnel position with primary duties that take place outside of the United States and how each such position contributes to the Department of Homeland Security’s counterterrorism mission.

(2) Information related to how the geographic and regional placement of such positions contributes to the Department’s counterterrorism mission.

(3) Information related to the position-specific training received by such personnel before and during placement at a foreign location.

(4) Challenges that may impede the communication of counterterrorism information between Department personnel at foreign locations and Department entities in the United States, including technical, resource, and administrative challenges.

(5) The status of efforts to implement the strategy referred to in subsection (a).

(6) The status of efforts (beginning with the second briefing required under this section) to implement the enhancement plan under section 3.

SEC. 3. OVERSEAS PERSONNEL ENHANCEMENT PLAN.

(a) **IN GENERAL.**—Not later than 90 days after the briefing required under section 2, the Secretary shall submit to the Committee on Homeland Security of the House and the Committee on Homeland Security and Governmental Affairs of the Senate a plan to enhance the effectiveness of Department of Homeland Security personnel at foreign locations.

(b) **PLAN REQUIREMENTS.**—The plan referred to in subsection (a) shall include proposals to—

(1) improve efforts of Department of Homeland Security personnel at foreign locations, as necessary, for purposes of providing foreign partner capacity development and furthering the Department’s counterterrorism mission;

(2) as appropriate, redeploy Department personnel to respond to changing threats to the United States;

(3) enhance collaboration among Department personnel at foreign locations, other Federal personnel at foreign locations, and foreign partners;

(4) improve the communication of counterterrorism information between Department personnel at foreign locations and Department entities in the United States, including to address technical, resource, and administrative challenges; and

(5) maintain practices to guard against counter-espionage threats associated with Department personnel.

SEC. 4. TERMINATION.

The briefing requirement under section 2 shall terminate on the date that is four years after the submission of the strategy referred to in such section.

PURPOSE AND SUMMARY

This legislation seeks to build on existing requirements for an updated strategy for the Department of Homeland Security’s (DHS) overseas footprint, while identifying barriers to information sharing and collaboration among DHS components and other partner entities on issues directly relating to the Department’s counterterror mission. The bill also grants accountability and transparency to how DHS trains, deploys, and utilizes personnel at overseas locations.

BACKGROUND AND NEED FOR LEGISLATION

The ability for DHS personnel to effectively collaborate, share information, and establish partnerships overseas plays a critical role

in the Department's overall ability to achieve its counterterror mission and protect the Homeland. However, challenges remain with ensuring that personnel deployment is risk-based and sufficiently collaborative with other Federal partners.

HEARINGS

114th Congress

On December 8, 2015, the Subcommittee on Transportation Security held a hearing entitled "Examining TSA's Global Efforts to Protect the Homeland from Aviation Threats and Enhance Security at Last Point of Departure Airports." The Subcommittee received testimony from Mr. Joseph P. Terrell, Deputy Assistant Administrator, Office of Global Strategies, Transportation Security Administration, U.S. Department of Homeland Security.

On May 17, 2016, the Subcommittee on Transportation Security held a hearing entitled "Flying Blind: What are the security risks of resuming U.S. Commercial Air Service to Cuba?" The Subcommittee received testimony from Mr. Larry Mizell, TSA Representative, Transportation Security Administration, U.S. Department of Homeland Security; Mr. Paul Fujimura, Assistant Administrator, Office of Global Strategies, U.S. Department of Homeland Security; Mr. John Wagner, Deputy Executive Assistant Commissioner, Customs and Border Protection, U.S. Department of Homeland Security; Mr. Seth Stodder, Assistant Secretary of Homeland Security, Border, Immigration and Trade Policy, U.S. Department of Homeland Security; and Mr. Kurt Tong, Principal Deputy Assistant Secretary, Bureau of Economic and Business Affairs, U.S. Department of State.

115th Congress

On February 2, 2017, the Subcommittee on Transportation and Protective Security held a hearing entitled "The Future of the Transportation Security Administration." The Subcommittee received testimony from Mr. Roger Dow, CEO, U.S. Travel Association; Ms. Nina E. Brooks, Head of Security, Airports Council International; and Mr. J. David Cox, National President, American Federation of Government Employees.

On July 25, 2017, the Subcommittee on Transportation and Protective Security held a hearing entitled "Securing Air Cargo: Industry Perspectives." The Subcommittee received testimony from Mr. Stephen A. Alterman, President, Cargo Airline Association; Mr. Brandon Fried, Executive Director, Airforwarders Association; Mr. Michael C. Mullen, Executive Director, Express Association of America; and Mr. Bart Elias, Specialist in Aviation Policy, Resources, Science and Industry Division, Congressional Research Service, Library of Congress.

On September 26, 2017, the Subcommittee on Transportation and Protective Security held a hearing entitled "Raising the Standard: DHS's Efforts to Improve Aviation Security Around the Globe." The Subcommittee received testimony from Mr. Craig Lynes, Director of Global Compliance, Office of Global Strategies, Transportation Security Administration, U.S. Department of Homeland Security; Mr. Todd C. Owen, Executive Assistant Commissioner, Office of Field Operations, Customs and Border Protection, U.S. Department of Homeland Security; and Ms. Jennifer Grover, Director,

Homeland Security and Justice, U.S. Government Accountability Office.

COMMITTEE CONSIDERATION

The Committee met on December 13, 2017, to consider H.R. 4567, 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 amendments were offered:

An amendment offered by MR. THOMPSON of Mississippi (#1); was **AGREED TO** by voice vote.

Page 2, line 1, insert “and every 180 days thereafter” after “(Public Law 114-328)”.

Page 3, beginning line 1, insert the following:

(5) The status of efforts to implement the strategy referred to in subsection (a).

(6) The status of efforts (beginning with the second briefing required under this section) to implement the enhancement plan under section 3.

Add at the end of the bill a new section entitled “Sec. 4. Termination.”

An amendment offered by MR. LANGEVIN, listed on the roster as by Ms. Jackson Lee (#2); was **AGREED TO** by voice vote.

In section 3(b)(3), strike “and” after the semicolon at the end.

In section 3(b)(4), strike the period at the end and insert “; and”.

In section 3(b), add at the end the following: (5) maintain practices to guard against counter-espionage threats associated with Department personnel.

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. 4567.

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. 4567, the DHS Overseas Personnel Enhancement Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

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

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4567 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The legislation requires the Secretary of Homeland Security to provide Congress with a briefing not later than 90 days after the submission of an updated 3-year strategy. Not later than 90 days after the briefing, the Secretary is required to submit a plan to Congress to enhance the effectiveness of Department personnel at foreign locations.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4567 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

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

FEDERAL MANDATES STATEMENT

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

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4567 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4567 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.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “DHS Overseas Personnel Enhancement Act of 2017”.

Sec. 2. Overseas Personnel Assessment.

This section directs that not later than 90 days after the submission of the comprehensive 3-year strategy (required under Sec. 1910 of National Defense Authorization Act for 2017 (Pub. L. 114-328)) the Secretary of Homeland Security shall brief the relevant congressional committees regarding Department personnel whose primary job duties take place outside of the United States.

This briefing is to include detailed reports on how these positions contribute to the Department’s counter-terrorism mission; information related to how geographic placement of DHS personnel overseas contributes to the counter-terrorism mission; information related to position-specific training received by personnel before and during placement at a foreign location; as well as challenges that can impede the communication of personnel outside of the United States and personnel in the United States.

Sec. 3. Overseas Personnel Enhancement Strategy.

No longer than 90 days after the above briefing, the Secretary shall submit a plan to enhance the effectiveness of Department personnel at foreign locations.

This plan shall include proposals to:

- Improve the efforts of foreign DHS employees, in order to provide foreign partner capacity development and further the Department’s counter-terrorism mission;
- Redeploy personnel to better respond to evolving threats to the US;
- Enhance collaboration among personnel at foreign locations and other Federal personnel at foreign locations; and
- Improve communication of counter-terrorism information between overseas DHS personnel and DHS entities in the United States.

Sec. 4. Termination.

The requirement under section 2 for the Secretary of Homeland Security to provide briefings to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs shall terminate after four years.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4567 makes no changes to existing law.