

DHS INTERAGENCY COUNTERTERRORISM TASK FORCE
 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. 4555]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4555) to authorize the participation in overseas interagency counterterrorism task forces of personnel of the Department of Homeland Security, 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 Interagency Counterterrorism Task Force Act of 2017”.

SEC. 2. OVERSEAS INTERAGENCY COUNTERTERRORISM TASK FORCE PARTICIPATION.

Section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended by adding at the end the following new subsection:

“(h) COORDINATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES OVERSEAS.—

“(1) IN GENERAL.—The Secretary is authorized to assign Department personnel to participate in overseas interagency counterterrorism task forces to—

“(A) facilitate the sharing of counterterrorism information, and

“(B) combat the threat of terrorism and associated risks to the United States stemming from overseas sources of conflict or terrorism, as determined by the Secretary.

“(2) PERSONNEL.—In carrying out this subsection, the Secretary may assign personnel from any component of the Department the Secretary determines necessary to participate in the overseas counterterrorism task forces referred to in paragraph (1).”.

SEC. 3. ANNUAL REPORTS.

Not later than 18 months after the date of the enactment of this Act and annually thereafter for three years, the Secretary of Homeland Security shall report to the Committee on Homeland Security, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, Select Committee on Intelligence, and the Committee on Armed Services of the Senate on activities carried out pursuant to subsection (h) of section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), as added by section 2 of this Act.

PURPOSE AND SUMMARY

The purpose of H.R. 4555 is to authorize the participation in overseas interagency counterterrorism task forces of personnel of the Department of Homeland Security (DHS). This bill grants additional authorities to the Secretary of Homeland Security to coordinate with other Federal departments and agencies overseas by assigning DHS personnel to participate in overseas interagency counterterrorism task forces in order to facilitate counterterrorism information sharing and combat the threat of terrorism to the United States.

BACKGROUND AND NEED FOR LEGISLATION

As terrorists and foreign fighters in Iraq and Syria seek to return home or travel to other regions in the wake of the defeat of ISIS on the battlefield, cooperation among U.S. military, national security, and law enforcement agencies is vital. As fighters move from the Middle East to the West, or to other regions, information collection and tracking becomes extremely difficult, especially for ensuring that relevant agencies have access to the same critical information. An enhanced, whole-of-government effort to share information and intelligence related to these fighters and their movements will improve security of the homeland.

In order to achieve this, H.R. 4555 authorizes the Secretary to assign DHS personnel to overseas interagency counterterrorism task forces to facilitate counterterrorism information sharing and combat the threat of terrorism stemming from overseas sources of conflict or terrorism. This will enable DHS to build on existing initiatives to co-locate DHS personnel with other Federal departments and agencies that play a crucial role in the fight against terrorism.

For example, assigning DHS personnel to Department of Defense (DOD) locations will facilitate better collection and sharing of information recovered from conflict zones, which will significantly improve our ability to interdict terrorists before they seek to enter the country.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 4555 in the 115th Congress. However, this legislation was informed by a Task Force on Denying Terrorists Entry into the United States hearing on May 3, 2017, entitled “Denying Terrorists Entry to the United States: Examining Visa Security.” The Task Force received testimony from Mr. Edward Ramotowski, Deputy Assistant Secretary, Office of Visa Services, Department of State; Mr. John Wagner, Deputy Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael Dougherty, Acting Assistant Secretary for Border, Immigration, and Trade, Office of Strategy, Policy, and Plans, Department of Homeland Security; Mr. Clark Settles, Assistant Director, National Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and Ms. Rebecca Gambler, Director, Homeland Security and Justice, Government Accountability Office.

COMMITTEE CONSIDERATION

The Committee met on December 13, 2017, to consider H.R. 4555, 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 MS. JACKSON LEE (#1); was AGREED TO by unanimous consent.

At the end of the bill, insert a new section entitled “Sec. 3. Annual Reports.”

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. 4555.

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. 4555, the DHS Interagency Counterterrorism Task Force 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. 4555 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of this legislation is to ensure that the Secretary has the ability to coordinate with other Federal departments and agencies overseas by assigning DHS personnel to participate in overseas interagency counterterrorism task forces.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4555 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. 4555 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4555 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 “DHS Interagency Counterterrorism Task Force Act of 2017”.

Sec. 2. Overseas Interagency Counterterrorism Task Force Participation.

This section amends Section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) by adding additional authorities for the Secretary of Homeland Security to coordinate with other Federal departments and agencies overseas. Specifically, this section authorizes the Secretary to assign DHS personnel, from any component the Secretary determines necessary, to participate in overseas interagency counterterrorism task forces in order to facilitate counterterrorism information sharing and combat the threat of terrorism to the U.S. stemming from overseas sources of conflict or terrorism.

Sec. 3. Annual Reports.

This section requires the Secretary, not later than 18 months after the date of enactment of the Act and annually thereafter for 3 years, to report to Congress on the activities carried out pursuant to section 2 of the Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE I—DEPARTMENT OF HOMELAND SECURITY

* * * * *

SEC. 102. SECRETARY; FUNCTIONS.

(a) SECRETARY.—

(1) IN GENERAL.—There is a Secretary of Homeland Security, appointed by the President, by and with the advice and consent of the Senate.

(2) HEAD OF DEPARTMENT.—The Secretary is the head of the Department and shall have direction, authority, and control over it.

(3) FUNCTIONS VESTED IN SECRETARY.—All functions of all officers, employees, and organizational units of the Department are vested in the Secretary.

(b) FUNCTIONS.—The Secretary—

(1) except as otherwise provided by this Act, may delegate any of the Secretary's functions to any officer, employee, or organizational unit of the Department;

(2) shall have the authority to make contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Secretary's responsibilities under this Act or otherwise provided by law; and

(3) shall take reasonable steps to ensure that information systems and databases of the Department are compatible with each other and with appropriate databases of other Departments.

(c) COORDINATION WITH NON-FEDERAL ENTITIES.—With respect to homeland security, the Secretary shall coordinate through the Office of State and Local Coordination (established under section 801) (including the provision of training and equipment) with State and local government personnel, agencies, and authorities, with the private sector, and with other entities, including by—

(1) coordinating with State and local government personnel, agencies, and authorities, and with the private sector, to ensure adequate planning, equipment, training, and exercise activities;

(2) coordinating and, as appropriate, consolidating, the Federal Government's communications and systems of communications relating to homeland security with State and local government personnel, agencies, and authorities, the private sector, other entities, and the public; and

(3) distributing or, as appropriate, coordinating the distribution of, warnings and information to State and local government personnel, agencies, and authorities and to the public.

(d) MEETINGS OF NATIONAL SECURITY COUNCIL.—The Secretary may, subject to the direction of the President, attend and participate in meetings of the National Security Council.

(e) ISSUANCE OF REGULATIONS.—The issuance of regulations by the Secretary shall be governed by the provisions of chapter 5 of title 5, United States Code, except as specifically provided in this Act, in laws granting regulatory authorities that are transferred by

this Act, and in laws enacted after the date of enactment of this Act.

(f) SPECIAL ASSISTANT TO THE SECRETARY.—The Secretary shall appoint a Special Assistant to the Secretary who shall be responsible for—

(1) creating and fostering strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland;

(2) advising the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector;

(3) interfacing with other relevant Federal agencies with homeland security missions to assess the impact of these agencies' actions on the private sector;

(4) creating and managing private sector advisory councils composed of representatives of industries and associations designated by the Secretary to—

(A) advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges;

(B) advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations; and

(C) advise the Secretary on private sector preparedness issues, including effective methods for—

(i) promoting voluntary preparedness standards to the private sector; and

(ii) assisting the private sector in adopting voluntary preparedness standards;

(5) working with Federal laboratories, federally funded research and development centers, other federally funded organizations, academia, and the private sector to develop innovative approaches to address homeland security challenges to produce and deploy the best available technologies for homeland security missions;

(6) promoting existing public-private partnerships and developing new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges;

(7) assisting in the development and promotion of private sector best practices to secure critical infrastructure;

(8) providing information to the private sector regarding voluntary preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary preparedness standards;

(9) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack;

(10) coordinating with the Commissioner of U.S. Customs and Border Protection and the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries; and

(11) consulting with the Office of State and Local Government Coordination and Preparedness on all matters of concern to the private sector, including the tourism industry.

(g) STANDARDS POLICY.—All standards activities of the Department shall be conducted in accordance with section 12(d) of the National Technology Transfer Advancement Act of 1995 (15 U.S.C. 272 note) and Office of Management and Budget Circular A-119.

(h) COORDINATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES OVERSEAS.—

(1) IN GENERAL.—*The Secretary is authorized to assign Department personnel to participate in overseas interagency counterterrorism task forces to—*

(A) facilitate the sharing of counterterrorism information, and

(B) combat the threat of terrorism and associated risks to the United States stemming from overseas sources of conflict or terrorism, as determined by the Secretary.

(2) PERSONNEL.—*In carrying out this subsection, the Secretary may assign personnel from any component of the Department the Secretary determines necessary to participate in the overseas counterterrorism task forces referred to in paragraph (1).*

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