

DHS OVERSEAS PERSONNEL ENHANCEMENT ACT OF 2019

MAY 30, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2590]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2590) to require a Department of Homeland Security overseas personnel enhancement plan, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 2019”.

**SEC. 2. OVERSEAS PERSONNEL BRIEFING.**

(a) **IN GENERAL.**—Not later than 90 days after submission of the comprehensive 3-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 briefings required under subsection (a) shall include the following:

- (1) A detailed summary of, and deployment schedule for, 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 any risk mitigation plans for each geographic and regional placement, including to address counter-intelligence risks.
- (4) Information regarding the costs of deploying or maintaining personnel at each geographic and regional placement, including information on any cost-sharing agreement with foreign partners to cover a portion or all the costs relating to such deployment or maintenance.
- (5) Maintain and enhance practices to guard against counter-espionage and counter-intelligence threats, including cyber threats, associated with Department personnel.
- (6) Information regarding trends in foreign efforts to influence such personnel while deployed overseas to contribute to the Department’s counterterrorism mission.
- (7) Information related to the position-specific training received by such personnel before and during placement at a foreign location.
- (8) 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.
- (9) The status of efforts to implement the strategy referred to in subsection (a).
- (10) 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 first 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 required under 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**

H.R. 2590, the “DHS Overseas Personnel Enhancement Act of 2019,” supplements an existing Federal mandate, originally au-

thored by Chairman Thompson, that the Department of Homeland Security (DHS) have a three-year strategic plan for overseas deployment of DHS personnel. The bill requires regular congressional briefings regarding DHS personnel with primary duties overseas and implementation of the mandated strategic plan.μ Ninety days after the first briefing, H.R. 2590 requires DHS to submit a plan to enhance the effectiveness of the overseas deployments of DHS personnel to Congress and conduct subsequent congressional briefings on its implementation status. Providing this basic information to Congress will ensure Congress better understands how DHS is using limited resources and how Congress can best support the Department.

#### BACKGROUND AND NEED FOR LEGISLATION

In the 114th Congress, then-Ranking Member Bennie G. Thompson (D–MS) authored H.R. 4780, the Department of Homeland Security (DHS) Strategy for International Programs Act which requires DHS to submit an inventory of personnel and resources deployed abroad and a three-year strategic plan for overseas deployment of DHS personnel to the appropriate Senate and House committees. This bill was later signed into law through the National Defense Authorization Act (NDAA) in December 2016. DHS has failed to meet the statutorily required timeframe to provide their three-year strategic plan for overseas deployments to the committee;

As introduced by Representative John Katko (R–NY, H.R. 2590, the “DHS Overseas Personnel Enhancement Act of 2019,” builds upon this mandate by requiring the Department to brief the appropriate Senate and House oversight committees on a regular basis about DHS personnel deployed overseas and conduct subsequent briefings on their plans to more effectively deploy personnel.

As amended, this legislation will ensure DHS is regularly informing Congress of planned deployment schedules for overseas positions, any plans or efforts to mitigate safety risks along with cyber or counter-intelligence threats to DHS personnel living abroad, and the cost of deploying personnel along with cost-sharing agreements with foreign partners.

Given persistent staff shortages in critical mission spaces within the Department, it is imperative that DHS is using limited resources effectively and efficiently. H.R. 2590 would ensure Congress is provided with basic information about DHS overseas personnel to ensure the various component missions are carried out in a strategic manner.

#### HEARINGS

The Committee did not hold any legislative hearings on H.R. 2590 in the 116th Congress.

#### COMMITTEE CONSIDERATION

The Committee met on May 15, 2019, to consider H.R. 2590 and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent.

## 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. 2590.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

Department of Homeland Security Legislation			
As ordered reported by the House Committee on Homeland Security on May 15, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

n.e. = not estimated; \* = between zero and \$500,000; the table above applies to each bill described below

On May 15, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 542, the Supporting Research and Development for First Responders Act, which would codify laboratory programs that currently exist at the Department of Homeland Security (DHS);
- H.R. 2589, the Unifying DHS Intelligence Enterprise Act, which would direct DHS to manage and provide guidance for the use of intelligence throughout the department;

- H.R. 2590, the DHS Overseas Personnel Enhancement Act of 2019, which would require DHS to devise a plan to improve the effectiveness of department personnel who are stationed at foreign locations;
- H.R. 2609, the DHS Acquisition Review Board Act of 2019, which would direct the department to establish a board to review major acquisition programs and enhance accountability and uniformity in the review process for DHS acquisitions; and
- H.R. 2621, the Homeland Security Assessment of Terrorists Use of Ghost Guns Act, which would require DHS to evaluate the threat posed by firearms without unique serial numbers.

DHS is currently carrying out activities similar to those required by the bills listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each bill would not significantly affect spending by DHS.

The CBO staff contact for these estimates is Mark Grabowicz. The estimates were reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### DUPLICATIVE FEDERAL PROGRAMS

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.

#### PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2590 would require the Department of Homeland Security to regularly brief the appropriate Senate and House committees on Department personnel deployed overseas and their efforts to more effectively deploy them.

#### ADVISORY ON EARMARKS

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(d), 9(c), or 9(f) of the rule XXI.

#### 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 2019”.

##### *Sec. 2. Overseas personnel briefing*

This section requires DHS to brief the appropriate Senate and House authorizing committees regarding the deployment of DHS personnel overseas not later than 90 days after submitting the comprehensive three-year strategy for deployment of personnel overseas for vetting and screening (as required under Public Law 114–328).

This section also describes the information the Committees will expect to be provided in this briefing, which must include the fol-

lowing: a description for each overseas personnel position and its deployment schedule; how deployment locations support the Department's counterterrorism mission; any training received by personnel overseas; any challenges regarding information sharing; the implementation status of the mandate three-year deployment strategy; and the status of enhancement plan under section 3 of this act.

*Sec. 3. Overseas personnel enhancement plan*

This section requires that not later than 90 days after the first briefing required under section 2, DHS must submit to the appropriate Senate and House authorizing committees a plan to enhance the effectiveness of Department personnel at foreign posts. This plan must include proposals to carry out the following: improve the efforts to build foreign partners' capacity; redeploy personnel in response to changing threats; enhance collaboration among Department personnel, other federal personnel and foreign partners, including the communication of counterterrorism information to address challenges; and practices to guard against cyber and counterespionage threats directed at Department personnel abroad.

*Sec. 4. Termination*

This section states that that briefing requirement will only be required for the four years after the submission of the underlying, mandated strategy cited in section 2.