AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

115TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
115–40

TERRORIST AND FOREIGN FIGHTER TRAVEL EXERCISE ACT OF 2017

MARCH 16, 2017.—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. 1302]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1302) to require an exercise related to terrorist and foreign fighter travel, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	2
Hearings	2
Committee Consideration	4
Committee Votes	4
Committee Oversight Findings	4
New Budget Authority, Entitlement Authority, and Tax Expenditures	4
Congressional Budget Office Estimate	5
Statement of General Performance Goals and Objectives	6
Duplicative Federal Programs	6
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits	6
Federal Mandates Statement	6
Preemption Clarification	6
Disclosure of Directed Rule Makings	6
Advisory Committee Statement	6
Applicability to Legislative Branch	7
Section-by-Section Analysis of the Legislation	7
Changes in Existing Law Made by the Bill, as Reported	8

PURPOSE AND SUMMARY

H.R. 1302, the Terrorist and Foreign Fighter Travel Exercise Act of 2017, requires the Secretary of Homeland Security, in coordination with relevant Federal departments and agencies, to develop and conduct an exercise related to the terrorist and foreign fighter threat. It also requires the Secretary to identify and report to Congress any weaknesses at home and abroad that may be exploited by terrorists and foreign fighters. Lastly, the bill requires that the National Exercise Program be designed to include emerging terrorist threats, such as the threat from foreign fighters.

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 (Committee Print 114–B). 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 growing complexity and changing nature of the foreign fighter security challenge may be creating unseen gaps in our defenses, yet it has been years since any large-scale "stress test" has been conducted on U.S. government protection and prevention programs against terrorist travel.

The last major government exercise on terrorist travel occurred in 2009. That year, the Federal Emergency Management Agency (FEMA) managed an exercise centered on the "aftermath of a notional terrorist event outside of the United States" and how to prevent "subsequent efforts by the terrorists to enter the United States and carry out additional attacks." The exercise tested how agencies at all levels of government would respond in such a scenario.

The threat environment has since changed. The 2009 exercise centered on terrorists attempting to enter the country, but as the Task Force report noted, officials today should be just as concerned about Americans leaving the country to train overseas with terrorist groups as foreign fighters. Such individuals can represent a serious security threat to the United States, particularly upon their return to the country; thus, preventing them from joining extremists abroad in the first place should be a top law enforcement goal.

Accordingly, the Task Force report recommended that the Administration should conduct an exercise designed around the foreign fighter threat to test all phases of extremist planning and travel in order to determine how partners at all levels of government on the United States and abroad are currently responding to these scenarios. Such an exercise would help identify weaknesses at home and abroad that may be exploited by terrorists and foreign fighters seeking to travel to and from the United States and overseas terrorist sanctuaries.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 1302; however, the Committee held the following oversight hearings:

114th Congress

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, U.S. 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.

On September 14, 2016, the Committee held a hearing entitled "Shutting Down Terrorist Pathways into America." The Committee received testimony from Hon. Francis X. Taylor, Under Secretary, Office of Intelligence and Analysis, U.S. Department of Homeland Security; Hon. Leon Rodriguez, Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security; Dr. Huban Gowadia, Deputy Administrator, Transportation Security Administration, U.S. Department of Homeland Security; Mr. Kevin McAleenan, Deputy Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security; and Mr. Daniel D. Ragsdale, Deputy Director, U.S. Immigrations and Customs Enforcement, U.S. Department of Homeland Security.

On July 14, 2016, the Committee held a hearing entitled "Worldwide Threats to the Homeland: ISIS and the New Wave of Terror." The Committee received testimony from Hon. Jeh C. Johnson, Secretary, U.S. 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.

COMMITTEE CONSIDERATION

The Committee met on March 8, 2017, to consider H.R. 1302, 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. 1302.

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. 1302, the Terrorist and Foreign Fighter Travel Exercise Act of 2017, 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, March 13, 2017.

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. 1302, the Terrorist and Foreign Fighter Travel Exercise Act of 2017.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1302—Terrorist and Foreign Fighter Travel Exercise Act of 2017

H.R. 1302 would require the Federal Emergency Management Agency (FEMA) to develop and carryout national exercises designed to evaluate the nation's preparedness against the threat of foreign fighters and terrorists. Based on information from FEMA, CBO estimates that implementing the legislation would not significantly affect the federal budget over the 2018–2022 period because the new exercises would be integrated into existing programs.

Under current law, at least every two years, the agency conducts a national exercise to evaluate the preparedness of federal, state, local, and tribal governments to respond to catastrophic events—including acts of terrorism—in a coordinated manner. The agency allocated approximately $112 million in fiscal year 2016 for such activities including education and training efforts related to the ability to respond to emergencies.

Under the bill, the agency would develop and conduct an exercise to test the ability to respond to the threat of persons leaving the United States to join or provide material support to terrorist organizations or of foreign fighters attempting to enter the United States. Under the bill, the agency also would be required to integrate those exercises into the national exercises carried out every two years under current law. Based on information from FEMA, CBO estimates that the agency would develop and integrate the new exercises into existing preparedness activities and would incur no significant additional costs.

Enacting H.R. 1302 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1302 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Robert Reese. 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. 1302 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation ensures that the Secretary of Homeland Security, in coordination with relevant Federal departments and agencies, develops and conducts a terrorist and foreign fighter travel exercise. It also ensures that the Secretary identifies and reports to Congress any weaknesses at home and abroad that may be exploited by terrorists and foreign fighters.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 1302 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. 1302 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 1302 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 "Terrorist and Foreign Fighter Travel Exercise Act of 2017".

Sec. 2. Exercise on Terrorist and Foreign Fighter Travel.

Subsection (a)—In General.

This subsection requires the Secretary of Homeland Security to develop and conduct an exercise within one year related to the terrorist and foreign fighter threat, in coordination with relevant Federal departments and agencies—either in addition to, or as part of, existing exercise programs.

Subsection (b)—Exercise Requirements.

This subsection requires that the exercise include scenarios involving individuals traveling to join terrorist organizations overseas (i.e. foreign fighters) and terrorist infiltration into the United States. It also requires the Department to coordinate with appropriate Federal agencies, foreign governments, State and local stakeholders, and the private sector.

Subsection (c)—Report.

This subsection requires the Secretary to submit an after-action report to the House Homeland Security Committee and Senate Homeland Security and Governmental Affairs Committee within 60 days of the exercise, detailing any identified or potential vulnerabilities in U.S. defenses and any requested legislative changes.

Subsection (d)—Definition.

This subsection defines the term "material support or resources."

Sec. 3. Emerging Threats in the National Exercise Program.

This sections adds an additional requirement to the National Exercise Program that it shall be designed, to the extent practicable, to include emerging terrorist threats, such as the threat from foreign fighters. This section ensures that the exercise required in section 2 is not simply a "one-off" and that, going forward, the Department of Homeland Security will incorporate such terror threat scenarios into exercises on a more regular basis.

Sec. 4. No Additional Funds Authorized.

This section ensures that no additional funds are authorized to carry out this Act, which shall be carried out using amounts already authorized.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006

* * * * * * *

TITLE VI—NATIONAL EMERGENCY MANAGEMENT

* * * * * * *

Subtitle C—Comprehensive Preparedness System

CHAPTER 1—NATIONAL PREPAREDNESS SYSTEM

* * * * * * *

SEC. 648. TRAINING AND EXERCISES.

(a) NATIONAL TRAINING PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national training program to implement the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.

(2) TRAINING PARTNERS.—In developing and implementing the national training program, the Administrator shall—

(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers or emergency response providers; and

(B) utilize, as appropriate, training courses provided by community colleges, State and local public safety academies, State and private universities, and other facilities.

(b) NATIONAL EXERCISE PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.

(2) REQUIREMENTS.—The national exercise program—

(A) shall be—

(i) as realistic as practicable, based on current risk assessments, including credible threats, vulnerabilities, and consequences, and designed to stress the national preparedness system;

(ii) designed, as practicable, to simulate the partial or complete incapacitation of a State, local, or tribal government;

(iii) carried out, as appropriate, with a minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(iv) designed to provide for the systematic evaluation of readiness and enhance operational understanding of the incident command system and relevant mutual aid agreements;

(v) designed to address the unique requirements of populations with special needs, including the elderly; [and]

(vi) designed to promptly develop after-action reports and plans for quickly incorporating lessons learned into future operations; and

(vii) designed, to the extent practicable, to include exercises addressing emerging terrorist threats, such as scenarios involving United States citizens departing the United States to enlist with or provide material support or resources to terrorist organizations abroad or terrorist infiltration into the United States, including United States citizens and foreign nationals; and

(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally) that—

(i) conform to the requirements under subparagraph (A);

(ii) are consistent with any applicable State, local, or tribal strategy or plan; and

(iii) provide for systematic evaluation of readiness.

(3) NATIONAL LEVEL EXERCISES.—The Administrator shall periodically, but not less than biennially, perform national exercises for the following purposes:

(A) To test and evaluate the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

(B) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond and recover in a coordinated and unified manner to catastrophic incidents.

* * * * * * *

○