

POST-CALIPHATE THREAT ASSESSMENT 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

The Committee on Homeland Security, to whom was referred the bill (H.R. 4564) to require a threat assessment on current foreign terrorist fighter activities, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 4564 is to require a threat assessment on current foreign terrorist fighter activities. This bill directs the Secretary of Homeland Security, in coordination with the Secretary of State and Director of National Intelligence, to conduct a threat assessment of current foreign terrorist fighter activity-including infor-

mation on travel and trends, destination countries, and changes in activity in Iraq and Syria-and report to Congress on its findings.

BACKGROUND AND NEED FOR LEGISLATION

This year the Islamic State (ISIS) lost most of its self-declared caliphate in the Republic of Iraq and the Syrian Arab Republic. The liberation of Mosul and Raqqa are major victories for anti-ISIS forces, but the terrorist group is far from defeated, even in the region. Many jihadis not killed on the battlefield have chosen to hide, rearm, and recuperate-going underground for a period before re-emerging to fight the next phase of the insurgency. Reports about the current location of remaining ISIS fighters vary. While there is evidence that some fighters are returning to their home countries, other reports indicate that fighters are holed up in Syria's Idlib province or Turkey, contemplating their next move. Still others may have escaped to ISIS provinces, including Libya, Afghanistan, Northern Africa, and Southeast Asia, in order to regroup and continue their recruitment and fight against the West.

Of particular concern for the homeland are those who seek to return to Europe or the United States. Of the 5,000 Europeans who left to fight with ISIS, approximately one third have returned home. Many ISIS fighters are currently residing in Turkey, with the possibility of fleeing to Europe via old refugee routes. Those fighters who have fled or returned to Europe may seek to exploit direct flights to the United States, as well as the Visa Waiver Program (VWP). H.R. 4564 will ensure that Congress and the Executive gain better clarity on foreign terrorist fighter travel and trends after the defeat of the caliphate, in light of the varying reports, which will strengthen our defenses as the diaspora unfolds.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 4564 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.

This legislation was also informed by a Task Force hearing on July 13, 2017, entitled "The Terrorist Diaspora: After the Fall of the Caliphate." The Task Force received testimony from: Mr. Thomas Joscelyn, Senior Fellow, Foundation for Defense of Democracies; Mr. Robin Simcox, Margaret Thatcher Fellow, The Heritage Foundation; and Dr. Colin P. Clarke, Political Scientist, The RAND Corporation.

COMMITTEE CONSIDERATION

The Committee met on December 13, 2017, to consider H.R. 4564, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, 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. 4564.

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. 4564, the Post-Caliphate Threat Assessment 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. 4564 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of this legislation is to ensure that Congress and the Executive have a coordinated and updated assessment of foreign terrorist fighter travel and trends after the defeat of the caliphate in Iraq and Syria, which will inform U.S. defenses as the diaspora continues to unfold.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4564 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. 4564 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4564 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 “Post-Caliphate Threat Assessment Act of 2017”.

Sec. 2. Threat Assessment.

This section directs the Secretary of Homeland Security, in coordination with the Secretary of State and Director of National Intelligence, to conduct a threat assessment of current foreign terrorist fighter activity and report to Congress on its findings. The assessment must include information on foreign terrorist fighter travel and trends, destination countries, and changes in activity in Iraq and Syria.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
As reported, H.R. 4564 makes no changes to existing law.

