

COUNTERTERRORISM INFORMATION SHARING
IMPROVEMENT 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. 4569]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4569) to require counterterrorism information sharing coordination, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 4569 is to require counterterrorism information sharing coordination. This bill directs the President, acting through the Secretary of Homeland Security, to ensure that the Department of Homeland Security (DHS) has access to biographic and biometric data collected by the U.S. Government on individuals associated with a terrorist organization for counterterrorism purposes.

BACKGROUND AND NEED FOR LEGISLATION

The U.S. must prioritize any opportunity to identify bad actors, including terrorists, outside the country and expand our ability to identify and deter threats before they reach the homeland. Unfortunately, information sharing challenges among U.S. agencies can prevent valuable information from becoming available for frontline screening and vetting in a timely manner. Not only is this a bureaucratic challenge-given the number of separate government agencies and components involved-but legal, capacity, and technical issues exist as well.

One of the many challenges of facing a non-traditional enemy such as ISIS is that multiple government entities encounter fighters at different stages, making the consolidation and sharing of critical information a difficult task. For example, it is often Department of Defense (DOD) personnel that encounter ISIS fighters on the battlefield, which often leads to the collection of valuable data. However, if these fighters or their associates move back to the West or try to enter the U.S., DHS becomes the primary entity that will engage them. Therefore, it is critical that the data recovered by DOD in the battlefield is able to reach DHS personnel and systems for effective frontline screening and vetting of known or suspected terrorists. H.R. 4569 will ensure that DHS has access to this and other critical data so that it can interdict these individuals before they attempt to enter the homeland.

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. 4569, 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. 4569.

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. 4569, the Counterterrorism Information Sharing Improvement 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. 4569 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of this legislation is to ensure that DHS has access to critical biographic and biometric data collected by other Federal departments and agencies so it can interdict potential terrorists before they enter the homeland.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4569 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. 4569 does not preempt any State, local, or Tribal law.

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 “Counterterrorism Information Sharing Improvement Act of 2017”.

Sec. 2. Counterterrorism Information Sharing Coordination.

This section directs the President, acting through the Secretary of Homeland Security, to ensure that, for counterterrorism purposes, DHS has access to biographic and biometric data collected by the U.S. Government on individuals associated with a terrorist organization. It also directs the President to ensure that all relevant departments and agencies coordinate with DHS to minimize

any administrative, technical, capacity, or classification challenges that may exist. Last, the bill requires the Secretary to submit a report to Congress on how the data is utilized by DHS for screening and vetting purposes, as well as any challenges associated with incorporating the data into DHS systems.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4569 makes no changes to existing law.

