

TERRORIST SCREENING AND TARGETING REVIEW ACT OF
2017

JANUARY 9, 2018.—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. 4553]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4553) to require a review of the authorization, funding, management, and operation of the National Targeting Center and the Terrorist Screening Center, 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 “Terrorist Screening and Targeting Review Act of 2017”.

SEC. 2. GAO REVIEW OF THE NATIONAL TARGETING CENTER AND THE TERRORIST SCREENING CENTER.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a review of the authorization, funding, management, and operation of the National Targeting Center (NTC) established under section 411(g)(4) of the Homeland Security Act of 2002 (6 USC 211(g)(4)) and the Terrorist Screening Center (TSC) established under Homeland Security Presidential Directive 6. Such review shall include the following:

- (1) An identification of any weaknesses or gaps in coordination between the NTC and TSC.
- (2) An identification of any unnecessarily duplicative or overlapping efforts between the NTC and TSC.
- (3) Recommendations on how the NTC and TSC may better support and complement one another.
- (4) A cost-benefit analysis of congressional authorization of the TSC.
- (5) An assessment of the protocols within the NTC and TSC regarding how to receive and utilize information provided by Federal departments and agencies.

PURPOSE AND SUMMARY

The purpose of H.R. 4553 is to require a review of the authorization, funding, management, and operation of the National Targeting Center (NTC) and the Terrorist Screening Center (TSC). This bill requires the Government Accountability Office (GAO) to conduct and submit to Congress a review of the authorization, funding, management, and operation of the NTC and the TSC. The review must include any weaknesses or gaps in coordination between the Centers, any unnecessarily duplicative or overlapping efforts between the Centers, recommendations on how they may better support and complement one another, a cost-benefit analysis of congressional authorization of the TSC, and an assessment of the protocols within the Centers on how they receive and utilize information provided by Federal departments and agencies.

BACKGROUND AND NEED FOR LEGISLATION

The TSC is a multi-agency body administered by the Department of Justice (DOJ) and is responsible for maintaining the Terrorist Screening Data base (TSDB). The TSC facilitates information sharing and coordination among law enforcement, the intelligence community, and international agencies by offering one central point where all known terrorist-related information can be reviewed against the information of an encountered individual. However, the TSC lacks permanent statutory authorization; and DOJ, which currently administers the TSC through the Federal Bureau of Investigation (FBI), has an institutional focus on criminal and national security investigations rather than border security, screening, and vetting.

U.S. Customs and Border Protection (CBP) operates the NTC, a critical resource for screening and vetting individuals seeking to enter the country. The Department of Homeland Security (DHS) is also the largest consumer of TSDB information, which CBP uses (via the NTC) to vet over a million travelers every day and the

Transportation Security Administration (TSA) uses to screen aircraft passengers as well as transportation and other sensitive access workers. Given these similar but critical missions and functions, ensuring appropriate coordination among the TSC, the NTC, and the relevant agencies is imperative.

The GAO review required under H.R. 4553 will enable Congress to better assess the status and relationship of the Centers and facilitate any necessary improvements in resources, efficiency, and management to improve the U.S.'s screening and vetting apparatus.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 4553 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. 4553, 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.

In section 2, add at the end the following: (5) An assessment of the protocols within the NTC and TSC regarding how to receive and utilize information provided by Federal departments and agencies.

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. 4553.

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. 4553, the Terrorist Screening and Targeting Review 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. 4553 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 will be able to identify and address any necessary reforms and improvements to the TSC and NTC in order to enhance the U.S. screening and vetting system.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4553 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. 4553 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4553 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 Screening and Targeting Review Act of 2017”.

Sec. 2. GAO Review of the National Targeting Center and the Terrorist Screening Center.

This section requires the Comptroller General, not later than 1 year after the date of enactment of the Act, to submit to Congress a review of the authorization, funding, management, and operation of the National Targeting Center and the Terrorist Screening Center. The review must include any weaknesses or gaps in coordination between the Centers, any unnecessarily duplicative or overlapping efforts between the Centers, recommendations on how they may better support and complement one another, a cost-benefit analysis of congressional authorization of the TSC, and an assessment of the protocols within the Centers on how they receive and utilize information provided by Federal departments and agencies.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4553 makes no changes to existing law.