

TERRORIST AND FOREIGN FIGHTER TRAVEL EXERCISE
ACT OF 2019

MARCH 28, 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. 1590]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1590) 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.

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PURPOSE AND SUMMARY

H.R. 1590, the Terrorist and Foreign Fighter Travel Exercise Act of 2019, 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 the findings of such exercise, the Department's plan to incorporate any lessons learned into its operations and any proposed legislative changes informed by the exercise. Lastly, the bill requires that the National Exercise Program include emerging threats into its programming.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1590, the "Terrorist and Foreign Fighter Travel Exercise Act of 2019," is informed by the final report of the Committee on Homeland Security's Task Force on Combating Terrorist and Foreign Fighter Travel (Committee Print 114-B; issued in September 2015). The report included 32 findings and 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 Task Force report recommended that the Administration conduct an exercise designed around the foreign fighter threat to test all phases of extremist planning and travel to determine how partners at all levels of government on the United States and abroad are currently responding to these scenarios. H.R. 1590 would fulfill this recommendation.

Additionally, in 2018, the White House released the *National Strategy to Combat Terrorism*, outlining how the United States Government will expand coordination and maximize the full capabilities of Federal departments and agencies to identify, detect, and deter terrorists from transiting international borders. One of the Strategy's stated goals is to constrain and deter terrorist travel planning, facilitation, and mobilization through support of Federal, State, local and Tribal law enforcement, private sector partners and communities, and to enhance the collection, analysis, and sharing of intelligence and law enforcement terrorist information and data.

H.R. 1590 directly compliments the National Strategy to Combat Terrorism by requiring the Secretary of Homeland Security, in coordination with appropriate Federal departments and agencies, to develop and conduct an exercise related to detection and prevention of terrorist and foreign fighter travel. It also requires the Secretary to produce an after-action report to Congress, presenting the findings of the exercise and plans for quickly incorporating lessons learned into future operations of the Department. Finally, it requires that the National Exercise Program be designed to include emerging terrorist threats.

The execution of this exercise would help relevant parties to be better positioned to address the threat of foreign fighters and security vulnerabilities that terrorists might seek to exploit.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 1590; however, the Committee held eighteen hearings that ad-

dressed foreign fighter threats at the Subcommittee and Full Committee levels during the 114th and 115th Congresses.

COMMITTEE CONSIDERATION

The Committee met on March 13, 2019, with a quorum being present, to consider H.R. 1590 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. 1590.

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 has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

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.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 1590 does not contain any provision that establishes or reau-

thorizes a program known to be duplicative of another Federal program.

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. 1590 would 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.

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.

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(e), 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 “Terrorist and Foreign Fighter Travel Exercise Act of 2019”.

Sec. 2. Exercise on terrorist and foreign fighter travel

This section requires the Secretary of Homeland Security to develop and conduct an exercise related to the prevention of terrorist and foreign fighter travel that could be integrated into an existing exercise or augment one. This section requires that the exercise include scenarios involving individuals traveling to join terrorist organizations (i.e. foreign fighters) or provide material support or resources to terrorist organizations overseas and terrorist infiltration into the United States. It also requires the Department to coordinate with appropriate Federal agencies, foreign governments, and State, local, Tribal, and territorial agencies, including law enforcement agencies and representatives from the National Network of Fusion Centers, as well as coordination with appropriate private sector and community stakeholders. Finally, the section 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 the initial findings of such exercise, plans for quickly incorporating lessons learned into future operations of the Department

of Homeland Security, and any proposed legislative changes informed by such exercise.

Sec. 3. Emerging threats in the National Exercise Program

This section adds an additional requirement to the National Exercise Program that it shall conduct national exercises that test the nation's ability to respond to emerging threats.

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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**POST-KATRINA EMERGENCY MANAGEMENT REFORM
ACT OF 2006**

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**TITLE VI—NATIONAL EMERGENCY
MANAGEMENT**

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**Subtitle C—Comprehensive Preparedness
System**

CHAPTER 1—NATIONAL PREPAREDNESS SYSTEM

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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 coordina-

tion 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 *and emerging* 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

(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.

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