Union Calendar No. 239

110TH CONGRESS
1ST SESSION

H. R. 1955

[Report No. 110–384, Part I]

To prevent homegrown terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 19, 2007

Ms. Harman (for herself and Mr. Reichert) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

October 16, 2007

Additional sponsors: Mr. Dent, Mr. Thompson of Mississippi, Mr. Dicks, Mr. Perlmutter, Mr. Langevin, Mr. Carney, Mrs. Christensen, Ms. Clarke, Mrs. Lowey, Mr. Al Green of Texas, Mr. Daniel E. Lungren of California, Ms. Zoe Lofgren of California, and Mr. Poe

October 16, 2007

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

October 16, 2007

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 19, 2007]

A BILL

To prevent homegrown terrorism, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Violent Radicalization
and Homegrown Terrorism Prevention Act of 2007”.

SEC. 2. PREVENTION OF VIOLENT RADICALIZATION AND
HOMEGROWN TERRORISM.

(a) In General.—Title VIII of the Homeland Secu-
rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by add-
ing at the end the following new subtitle:

“Subtitle J—Prevention of Violent
Radicalization and Homegrown
Terrorism

“SEC. 899A. DEFINITIONS.

“For purposes of this subtitle:

“(1) COMMISSION.—The term ‘Commission’
means the National Commission on the Prevention of
Violent Radicalization and Homegrown Terrorism es-
tablished under section 899C.

“(2) VIOLENT RADICALIZATION.—The term ‘vio-
ient radicalization’ means the process of adopting or
promoting an extremist belief system for the purpose
of facilitating ideologically based violence to advance
political, religious, or social change.
“(3) Homegrown terrorism.—The term ‘homegrown terrorism’ means the use, planned use, or threatened use, of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any possession of the United States to intimidate or coerce the United States government, the civilian population of the United States, or any segment thereof, in furtherance of political or social objectives.

“(4) Ideologically based violence.—The term ‘ideologically based violence’ means the use, planned use, or threatened use of force or violence by a group or individual to promote the group or individual’s political, religious, or social beliefs.

“SEC. 899B. FINDINGS.

“The Congress finds the following:

“(1) The development and implementation of methods and processes that can be utilized to prevent violent radicalization, homegrown terrorism, and ideologically based violence in the United States is critical to combating domestic terrorism.

“(2) The promotion of violent radicalization, homegrown terrorism, and ideologically based violence exists in the United States and poses a threat to homeland security.
“(3) The Internet has aided in facilitating violent radicalization, ideologically based violence, and the homegrown terrorism process in the United States by providing access to broad and constant streams of terrorist-related propaganda to United States citizens.

“(4) While the United States must continue its vigilant efforts to combat international terrorism, it must also strengthen efforts to combat the threat posed by homegrown terrorists based and operating within the United States.

“(5) Understanding the motivational factors that lead to violent radicalization, homegrown terrorism, and ideologically based violence is a vital step toward eradicating these threats in the United States.

“(6) The potential rise of self radicalized, unaffiliated terrorists domestically cannot be easily prevented through traditional Federal intelligence or law enforcement efforts, and requires the incorporation of State and local solutions.

“(7) Individuals prone to violent radicalization, homegrown terrorism, and ideologically based violence span all races, ethnicities, and religious beliefs, and individuals should not be targeted based solely on race, ethnicity, or religion.
“(8) Any measure taken to prevent violent radicalization, homegrown terrorism, and ideologically based violence and homegrown terrorism in the United States should not violate the constitutional rights, civil rights and civil liberties of United States citizens and lawful permanent residents.

“(9) Certain governments, including the United Kingdom, Canada, and Australia have significant experience with homegrown terrorism and the United States can benefit from lessons learned by those nations.

“SEC. 899C. NATIONAL COMMISSION ON THE PREVENTION OF VIOLENT RADICALIZATION AND IDEOLOGICALLY BASED VIOLENCE.

“(a) Establishment.—There is established within the legislative branch of the Government the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

“(b) Purpose.—The purposes of the Commission are the following:

“(1) Examine and report upon the facts and causes of violent radicalization, homegrown terrorism, and ideologically based violence in the United States, including United States connections to non-United States persons and networks, violent radicalization,
homegrown terrorism, and ideologically based violence
in prison, individual or "lone wolf" violent
radicalization, homegrown terrorism, and ideologi-
cally based violence, and other faces of the phenomena
of violent radicalization, homegrown terrorism, and
ideologically based violence that the Commission con-
siders important.

“(2) Build upon and bring together the work of
other entities and avoid unnecessary duplication, by
reviewing the findings, conclusions, and recommenda-
tions of—

“(A) the Center of Excellence established or
designated under section 899D, and other aca-
demic work, as appropriate;

“(B) Federal, State, local, or tribal studies
of, reviews of, and experiences with violent
radicalization, homegrown terrorism, and ideo-
logically based violence; and

“(C) foreign government studies of, reviews
of, and experiences with violent radicalization,
homegrown terrorism, and ideologically based vi-
olence.

“(c) COMPOSITION OF COMMISSION.—The Commission
shall be composed of 10 members appointed for the life of
the Commission, of whom—
“(1) one member shall be appointed by the President from among officers or employees of the executive branch and private citizens of the United States;

“(2) one member shall be appointed by the Secretary;

“(3) one member shall be appointed by the majority leader of the Senate;

“(4) one member shall be appointed by the minority leader of the Senate;

“(5) one member shall be appointed by the Speaker of the House of Representatives;

“(6) one member shall be appointed by the minority leader of the House of Representatives;

“(7) one member shall be appointed by the Chairman of the Committee on Homeland Security of the House of Representatives;

“(8) one member shall be appointed by the ranking minority member of the Committee on Homeland Security of the House of Representatives;

“(9) one member shall be appointed by the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(10) one member shall be appointed by the ranking minority member of the Committee on Home-
land Security and Governmental Affairs of the Senate.

“(d) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and a Vice Chair from among its members.

“(e) QUALIFICATIONS.—Individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to, behavioral science, constitutional law, corrections, counterterrorism, cultural anthropology, education, information technology, intelligence, juvenile justice, local law enforcement, organized crime, Islam and other world religions, sociology, or terrorism.

“(f) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed no later than 60 days after the date of enactment of this subtitle.

“(g) QUORUM AND MEETINGS.—The Commission shall meet and begin the operations of the Commission not later than 30 days after the date on which all members have been appointed or, if such meeting cannot be mutually agreed upon, on a date designated by the Speaker of the House of Representatives. Each subsequent meeting shall occur upon the call of the Chair or a majority of its members. A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.
“(h) Authority of Individuals to Act for Commission.—Any member of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

“(i) Powers of Commission.—The powers of the Commission shall be as follows:

“(1) In General.—

“(A) Hearings and Evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section, hold hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out its duties.

“(B) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

“(2) Information from Federal Agencies.—

“(A) In General.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the
Government, information, suggestions, estimates, and statistics for the purposes of this section.

The head of each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair of the Commission, by the chair of any subcommittee created by a majority of the Commission, or by any member designated by a majority of the Commission.

“(B) Receipt, Handling, Storage, and Dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(j) Assistance From Federal Agencies.—

“(1) General Services Administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.
“(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance required under paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, and staff as they may determine advisable and as may be authorized by law.

“(k) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.


“(m) PUBLIC MEETINGS.—

“(1) IN GENERAL.—The Commission shall hold public hearings and meetings to the extent appropriate.

“(2) PROTECTION OF INFORMATION.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

“(n) STAFF OF COMMISSION.—
“(1) **Appointment and Compensation.**—The Chair of the Commission, in consultation with the Vice Chair and in accordance with rules adopted by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the maximum rate of pay for GS–15 under the General Schedule.

“(2) **Staff Expertise.**—Individuals shall be selected for appointment as staff of the Commission on the basis of their expertise in one or more of the fields referred to in subsection (e).

“(3) **Personnel as Federal Employees.**—

“(A) **In general.**—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.
“(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

“(4) DETAILLEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and during such detail shall retain the rights, status, and privileges of his or her regular employment without interruption.

“(5) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(6) EMPHASIS ON SECURITY CLEARANCES.—The Commission shall make it a priority to hire as employees and retain as contractors and detaillees individuals otherwise authorized by this section who have active security clearances.

“(o) COMMISSION PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an employee of the government shall be compensated at a rate not to exceed the daily equivalent of the annual rate of basic
pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

“(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(3) TRAVEL ON ARMED FORCES CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when such travel is necessary in the performance of a duty of the Commission, unless the cost of commercial transportation is less expensive.

“(4) TREATMENT OF SERVICE FOR PURPOSES OF RETIREMENT BENEFITS.—A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason
of membership on the Commission shall not be subject to the provisions of such section with respect to membership on the Commission.

“(5) VACANCIES.—A vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs.

“(p) SECURITY CLEARANCES.—The heads of appropriate departments and agencies of the executive branch shall cooperate with the Commission to expeditiously provide Commission members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

“(q) REPORTS.—

“(1) FINAL REPORT.—Not later than 18 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a final report of its findings and conclusions, legislative recommendations for immediate and long-term countermeasures to violent radicalization, homegrown terrorism, and ideologically based violence, and measures that can be taken to prevent violent radicalization, homegrown terrorism, and ide-
logically based violence from developing and spreading within the United States, and any final recommendations for any additional grant programs to support these purposes. The report may also be accompanied by a classified annex.

“(2) INTERIM REPORTS.—The Commission shall submit to the President and Congress—

“(A) by not later than 6 months after the date on which the Commission first meets, a first interim report on—

“(i) its findings and conclusions and legislative recommendations for the purposes described in paragraph (1); and

“(ii) its recommendations on the feasibility of a grant program established and administered by the Secretary for the purpose of preventing, disrupting, and mitigating the effects of violent radicalization, homegrown terrorism, and ideologically based violence and, if such a program is feasible, recommendations on how grant funds should be used and administered; and

“(B) by not later than 6 months after the date on which the Commission submits the in-
terim report under subparagraph (A), a second interim report on such matters.

“(3) **INDIVIDUAL OR DISSenting VIEWS.**—Each member of the Commission may include in each report under this subsection the individual additional or dissenting views of the member.

“(4) **Public Availability.**—The Commission shall release a public version of each report required under this subsection.

“(r) **Availability of Funding.**—Amounts made available to the Commission to carry out this section shall remain available until the earlier of the expenditure of the amounts or the termination of the Commission.

“(s) **Termination of Commission.**—The Commission shall terminate 30 days after the date on which the Commission submits its final report.

**Sec. 899D. CENTER OF EXCELLENCE FOR THE STUDY OF VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM IN THE UNITED STATES.**

“(a) **Establishment.**—The Secretary of Homeland Security shall establish or designate a university-based Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States (hereinafter referred to as ‘Center’) following the merit-review processes and procedures and other limitations that have
been previously established for selecting and supporting University Programs Centers of Excellence. The Center shall assist Federal, State, local and tribal homeland security officials through training, education, and research in preventing violent radicalization and homegrown terrorism in the United States. In carrying out this section, the Secretary may choose to either create a new Center designed exclusively for the purpose stated herein or identify and expand an existing Department of Homeland Security Center of Excellence so that a working group is exclusively designated within the existing Center of Excellence to achieve the purpose set forth in subsection (b).

“(b) PURPOSE.—It shall be the purpose of the Center to study the social, criminal, political, psychological, and economic roots of violent radicalization and homegrown terrorism in the United States and methods that can be utilized by Federal, State, local, and tribal homeland security officials to mitigate violent radicalization and homegrown terrorism.

“(c) ACTIVITIES.—In carrying out this section, the Center shall—

“(1) contribute to the establishment of training, written materials, information, analytical assistance and professional resources to aid in combating violent radicalization and homegrown terrorism;
“(2) utilize theories, methods and data from the social and behavioral sciences to better understand the origins, dynamics, and social and psychological aspects of violent radicalization and homegrown terrorism;

“(3) conduct research on the motivational factors that lead to violent radicalization and homegrown terrorism; and

“(4) coordinate with other academic institutions studying the effects of violent radicalization and homegrown terrorism where appropriate.

“SEC. 899E. PREVENTING VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM THROUGH INTERNATIONAL COOPERATIVE EFFORTS.

“(a) INTERNATIONAL EFFORT.—The Secretary shall, in cooperation with the Department of State and other Federal Government entities, as appropriate, conduct a survey of methodologies implemented by foreign nations to prevent violent radicalization and homegrown terrorism in their respective nations.

“(b) IMPLEMENTATION.—To the extent that methodologies are permissible under the Constitution, the Secretary shall use the results of the survey as an aid in developing a national policy in the United States on addressing radicalization and homegrown terrorism.
“(c) Reports to Congress.—The Secretary shall submit a report to Congress that provides—

“(1) a brief description of the foreign partners participating in the survey; and

“(2) a description of lessons learned from the results of the survey and recommendations implemented through this international outreach.

“SEC. 899F. PROTECTING CIVIL RIGHTS AND CIVIL LIBERTIES WHILE PREVENTING IDEOLOGICALLY BASED VIOLENCE AND HOMEGROWN TERRORISM.

“(a) In General.—The Department of Homeland Security’s efforts to prevent ideologically based violence and homegrown terrorism as described herein shall not violate the constitutional rights, civil rights, and civil liberties of United States citizens and lawful permanent residents.

“(b) Commitment to Racial Neutrality.—The Secretary shall ensure that the activities and operations of the entities created by this subtitle are in compliance with the Department of Homeland Security’s commitment to racial neutrality.

“(c) Auditing Mechanism.—The Civil Rights and Civil Liberties Officer of the Department of Homeland Security will develop and implement an auditing mechanism to ensure that compliance with this subtitle does not result
in a disproportionate impact, without a rational basis, on any particular race, ethnicity, or religion and include the results of its audit in its annual report to Congress required under section 705.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title VIII the following:

“Subtitle J—Prevention of Violent Radicalization and Homegrown Terrorism

Sec. 899A. Definitions.
Sec. 899B. Findings.
Sec. 899C. National Commission on the Prevention of Violent Radicalization and Ideologically Based Violence.
Sec. 899D. Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States.
Sec. 899E. Preventing violent radicalization and homegrown terrorism through international cooperative efforts.
Sec. 899F. Protecting civil rights and civil liberties while preventing ideologically based violence and homegrown terrorism.”.
A BILL

To prevent homegrown terrorism, and for other purposes.

OCTOBER 16, 2007

Reported from the Committee on Homeland Security
October 16, 2007

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed.