

COUNTERING VIOLENT EXTREMISM ACT OF 2015

NOVEMBER 19, 2015.—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

together with

ADDITIONAL VIEWS

[To accompany H.R. 2899]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2899) to amend the Homeland Security Act of 2002 to authorize the Office for Countering Violent Extremism, 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 “Countering Violent Extremism Act of 2015” or the “CVE Act”.

SEC. 2. AUTHORIZATION OF THE OFFICE FOR COUNTERING VIOLENT EXTREMISM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new section:

“SEC. 104. OFFICE FOR COUNTERING VIOLENT EXTREMISM.

“(a) ESTABLISHMENT.—There is in the Department an Office for Countering Violent Extremism. The head of the Office shall be the Assistant Secretary for Countering Violent Extremism, who shall be appointed by the Secretary. The Secretary shall also appoint a career Deputy Assistant Secretary for Countering Violent Extremism.

“(b) ASSIGNMENT OF PERSONNEL.—The Secretary shall assign or hire, as appropriate, permanent staff to the Office for Countering Violent Extremism. In carrying out this subsection, the Secretary shall, to the maximum extent practicable, seek to assign to or hire for the Office an individual who has a demonstrated background in technical matters, on and offline media, communications, or marketing.

“(c) SUPPORT.—The Secretary shall appoint within each appropriate component and office of the Department, including at a minimum, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, United States Citizenship and Immigration Services, the Office of Privacy, the National Protection and Programs Directorate, the Office of Civil Rights and Civil Liberties, the Secret Service, and the Science and Technology Directorate, an individual to serve as liaison to the Office for Countering Violent Extremism.

“(d) RESPONSIBILITIES.—The Assistant Secretary for Countering Violent Extremism shall be responsible for the following:

“(1) Coordinating the Department’s activities to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive activities to counter violent extremism. Such activities shall include the following:

“(A) Identifying risk factors that contribute to violent extremism in communities in the United States and potential remedies for use by Government and non-government institutions.

“(B) Identifying populations targeted by violent extremist propaganda, messaging, or recruitment.

“(C) Managing the outreach and engagement activities of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

“(D) Ensuring relevant information, empirically-valid research, and products inform activities to counter violent extremism.

“(E) Developing and maintaining a Department-wide strategy guiding policies and programs to counter violent extremism. Such strategy shall, at a minimum, address each of the following:

“(i) The Department’s counter-messaging program pursuant to paragraph (2), including a plan to leverage new and existing Internet, digital, and other technologies and social media platforms to counter violent extremism, as well as the best practices and lessons learned of other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners engaged in similar counter-messaging activities.

“(ii) The Department’s countering violent extremism-related engagement and outreach activities.

“(iii) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for activities relating to countering violent extremism.

“(iv) Ensuring all activities related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all Americans.

“(v) The development of qualitative and quantitative outcome-based metrics to evaluate the Department’s programs and policies to counter violent extremism.

“(F) Identifying and recommending new research and analysis requirements in consultation with the Under Secretary for Science and Technology

and the Under Secretary for Intelligence and Analysis and ensure the dissemination of information and methods to Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement, and non-governmental partners to utilize such research and analysis.

“(G) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for radicalization and recruitment.

“(2) Establishing a counter-messaging program to craft strategic counter-messages to the propaganda and messaging referred to in subparagraph (G) of paragraph (1) which shall—

“(A) explore ways to utilize relevant Internet and other technologies and social media platforms; and

“(B) maximize other resources available to the Department, including utilizing hiring authorities available under law.

“(3) Serving as the primary representative of the Department in coordinating countering violent extremism activities with other Federal departments and agencies and non-governmental organizations.

“(4) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

“(5) In coordination with the Administrator of the Federal Emergency Management Agency and the Officer for Civil Rights and Civil Liberties of the Department, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

“(6) Coordinating with the Administrator of the Federal Emergency Management Agency to administer the grant program under subsection (f).

“(e) MEMORANDUM OF UNDERSTANDING.—The Assistant Secretary for Countering Violent Extremism shall enter into a memorandum of understanding with the Administrator of the Federal Emergency Management Agency outlining the roles of the Assistant Secretary and the Administrator with respect to the administration of grants under sections 2003 and 2004 related to countering violent extremism.

“(f) GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Assistant Secretary for Countering Violent Extremism, in coordination with the Administrator of the Federal Emergency Management Agency and the Officer for Civil Rights and Civil Liberties of the Department, shall establish a grant program for eligible community groups and organizations to assist such groups and organizations in establishing counter-messaging campaigns targeting violent extremism.

“(2) IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of this section, the Assistant Secretary for Countering Violent Extremism, in coordination with the Administrator of the Federal Emergency Management Agency and the Officer for Civil Rights and Civil Liberties of the Department, shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an implementation plan for the grant program under this subsection, including eligibility criteria, application criteria, methodology for awarding grants, and a plan for monitoring and evaluating grant applications and awards.

“(3) PROHIBITION.—A community group or organization is not eligible for a grant under this subsection if such group or organization has knowingly funded violent extremist activities or organizations known to engage in such activities, as determined by the Assistant Secretary for Countering Violent Extremism, in coordination with the heads of other relevant Federal departments and agencies.

“(g) ANNUAL REPORT.—The Assistant Secretary for Countering Violent Extremism shall submit to Congress an annual report for each of the next five fiscal years (beginning in the fiscal year that begins after the date of the enactment of this section) on the Office for Countering Violent Extremism. Each such report shall include the following:

“(1) A description of the status of the programs and policies of the Department for countering violent extremism in the United States, including the budget of the Department for countering violent extremism and the number of full-time employees dedicated to countering violent extremism programs, as well as the number of part-time employees supporting countering violent extremism programs. Each such budget shall include an accounting of all funding amounts for all departmental programs, initiatives, and personnel related to countering violent extremism.

“(2) A description of the activities of the Office to cooperate with and provide assistance to other departments and agencies.

“(3) The qualitative and quantitative outcome-based metrics under clause (v) of subsection (d)(1)(E) used for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies.

“(4) A detailed summary of the organizations with which the Department conducted outreach to discuss countering violent extremism, an accounting of grants awarded by the Department to counter violent extremism, and an accounting of all training specifically aimed at countering violent extremism sponsored by the Department.

“(5) Details of the optimal level of personnel and funding for the Office.

“(6) An analysis of how the Department’s activities to counter violent extremism correspond and adapt to the threat environment.

“(7) A summary of how civil rights and civil liberties are protected in the Department’s activities to counter violent extremism.

“(8) An evaluation of the grant program under subsection (f), including information on the effectiveness of such grants in countering violent extremism.

“(9) A description of how the Office incorporated lessons learned from the countering violent extremism programs and policies of other Foreign departments and agencies, as well as foreign, State, local, tribal, and territorial governments and stakeholder communities.

“(h) VIOLENT EXTREMISM DEFINED.—In this section, the term ‘violent extremism’ means ideologically motivated terrorist activities.

“(i) AUTHORIZATION OF FUNDING.—Out of funds made available to the Office of the Secretary, \$10,000,000 is authorized to be used for the Office for Countering Violent Extremism for each of fiscal years 2016 through 2020, of which \$6,000,000 shall be used to carry out the grant program under subsection (f).

“(j) SUNSET.—This section shall terminate on the date that is five years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 103 the following new item: “Sec. 104. Office for Countering Violent Extremism.”.

PURPOSE AND SUMMARY

The purpose of H.R. 2899, the “Countering Violent Extremism Act of 2015” or “CVE Act” is to amend the Homeland Security Act of 2002 (Pub. L. 107-296) to authorize the Office for Countering Violent Extremism, and for other purposes.

H.R. 2899 establishes the highest-ranking federal official dedicated to countering violent extremism (CVE) and the radicalization and recruitment of Americans and streamlines government CVE efforts by authorizing an Assistant Secretary to run the Office for Coordinating Violent Extremism (OCVE). This will provide much-needed leadership and accountability to overall domestic CVE efforts. Additionally, H.R. 2899 requires that DHS establish a program to counter the narrative of extremist groups recruiting and radicalizing in the US. In his remarks on Monday July 6, 2015 the President admitted that we have to do more to counter the ideology of extremist groups—this bill helps that effort. This bill will help combat the spread of violent extremist propaganda online and through social media, a tactic increasingly used by al Qaeda, the Islamic State of Iraq and Syria (ISIS)¹ and other violent Islamist extremists to radicalize and recruit Americans to their cause. The Office will serve as the primary representative in coordinating with the State Department on international countering violent extremism issues, a step that would help align international efforts with domestic CVE efforts. It will also help the Department’s community

¹The organization referred to as the Islamic State of Iraq and Syria (ISIS) is alternatively known as the Islamic State of Iraq and the Levant (ISIL), the Islamic State (IS), and occasionally, “Daesh.”

engagement efforts and serve as the Department's liaison with state and local authorities engaging in CVE efforts.

BACKGROUND AND NEED FOR LEGISLATION

On May 30, 2014, Committee on Homeland Security Chairman Michael McCaul wrote to the President's Homeland Security and Counterterrorism Advisor, Lisa Monaco, to announce that the Committee would conduct a thorough review of Executive Branch CVE programs and policies. On December 17, 2014, Chairman McCaul detailed the preliminary findings of this review in a letter to President Obama, stating that, "CVE efforts are especially vulnerable to suffer from a lack of clear leadership particularly because a successful CVE program necessarily requires the involvement of a diverse set of actors in its execution." The need for greater organization and clarity for domestic CVE efforts has subsequently been highlighted for Committee Members in briefings with senior officials as well as public testimony. Secretary of Homeland Security Jeh Johnson recently noted that more than eight components and offices within DHS have a role in the Department's CVE activities.² President Obama recently acknowledged the need for improvements to Federal CVE programs, saying:

. . . we also have to acknowledge that ISIL has been particularly effective at reaching out to and recruiting vulnerable people around the world, including here in the United States. And they are targeting Muslim communities around the world. Numerous individuals have been arrested across the country for plotting attacks or attempting to join ISIL in Syria and Iraq. Two men apparently inspired by ISIL opened fire in Garland, Texas . . . And that means that we're going to have to pick up our game to prevent these attacks. It's also true why, ultimately, in order for us to defeat terrorist groups like ISIL and al Qaeda it's going to also require us to discredit their ideology—the twisted thinking that draws vulnerable people into their ranks . . . So the United States will continue to do our part, by working with partners to counter ISIL's hateful propaganda, especially online.³

Furthermore, since the release of the Obama Administration's CVE strategy in 2011, there have been several homegrown violent extremist plots, such as the 2013 Boston Marathon bombing, and the July 2015 shooting in Chattanooga, Tennessee, as well as an increase in the flow of American citizens who embrace the violent Islamist extremist ideology of al Qaeda and ISIS to join these groups or their affiliates around the globe (particularly in Syria and Iraq).

Violent Islamist extremism is regarded by most experts and senior U.S. officials as the principle extremist threat to the United States. The two most prominent Islamist extremist groups that pose a threat to the United States are al Qaeda (and its various offshoots and affiliates) and ISIS. Although the particular strate-

²The Honorable Jeh Johnson, Secretary of Homeland Security, Correspondence with Chairman McCaul, July 15, 2015.

³President Barack Obama, "Remarks by the President on Progress in the Fight Against ISIL," July 6, 2015. <https://www.whitehouse.gov/the-press-office/2015/07/06/remarks-president-progress-fight-against-isil>.

gies of each group are different, both advocate for “the establishment of a global caliphate—a jurisdiction governed by a Muslim civil and religious leader known as a caliph—via violent means,” according to the Congressional Research Service.⁴ Both groups present a direct threat to US security. What’s more, both groups actively propagandize to and recruit Americans and other Westerners to carry out attacks in the United States and her allies. The Committee’s goal with H.R. 2899 is to establish an office within DHS to confront and prevent the radicalization and recruitment of Americans to violent Islamist extremist organizations such as al Qaeda and ISIS. The Committee fully expects DHS, and all departments and agencies responsible for national security, to prioritize major threats and allocate resources accordingly. Any earnest and rational threat assessment will consider a wide array of organizations and ideologies that pose a threat to the U.S. Homeland, but as Secretary Johnson recently confirmed, it is the violent Islamist extremist ideology of al Qaeda and ISIS which presents the greatest threat to the United States. During recent Congressional testimony, Secretary Johnson noted:

At the moment, my priority has been focusing on communities that I believe are most vulnerable, at least some members of the community, to appeals from ISIL, Al-Qaeda, and other terrorist groups overseas who are actively targeting individuals in these communities. And so I think we need to focus on communities that themselves have the ability to influence who may be turning in the direction of violence.⁵

While Congress and the Executive Branch should be prepared to address evolving and emerging threats, it is self-evident that any CVE program must continue to address the principle terrorist threat to the United States homeland.

The Threat

The jihadist threat in the U.S. homeland is high and has escalated dramatically in recent years. A recently released Committee estimate indicates there have been more U.S.-based jihadist terror cases in 2015 than in any full year since 9/11. The number of U.S. terrorist cases involving homegrown violent jihadists went from 38 in July 2010 to 129 by October 2015—more than a three-fold increase in just five years. According to the Committee’s analysis, ISIS has inspired or directed 65 terror attack plots against Western targets, including 18 in the United States to date. Additionally, there have now been nearly twice as many ISIS-linked attack plots against the West this year (37) as there were in all of 2014 (20).

Much of this growth has been attributed to the rise of ISIS, and their significant investment in online propaganda efforts and their effective use of social media to reach a global audience of individuals at risk for radicalization and recruitment. This is a tactic originally embraced by Anwar al-Awlaki, a senior cleric in the Yemen-based Al Qaeda in the Arabian Peninsula (AQAP). However, the proliferation of terrorist safe havens throughout the Mid-

⁴Jerome P. Bjelopera, “American Jihadist Terrorism: Combating a Complex Threat,” *Congressional Research Service*, February 19, 2014.

⁵The Honorable Jeh Johnson, in testimony before the House of Representatives Committee on the Judiciary, July 14, 2015. <http://www.cq.com/doc/congressionaltranscripts-4723930?4>.

dle East and North Africa, combined with the increased use of social media platforms has led to a rapid rise in propaganda efforts among multiple extremist groups around the globe. Now, violent Islamist extremist propaganda is segmented to reach diverse audiences, often written in the vernacular of their target audiences. Jihadists in the U.S. have the luxury of hearing North American accents on ISIS videos and reading ISIS magazines written by native English speakers. This trend has maximized exposure to extremist recruitment and propaganda efforts around the world, and in the United States, which only adds to the likelihood that American's will embrace the jihadist ideology.⁶ There is no domestic Federal effort currently directed at challenging this propaganda which is designed to recruit American audiences, even though the Department of State has established a foreign-focused counter messaging effort to confront extremist propaganda internationally.

Federal CVE Efforts

In August 2011, the Obama Administration issued its national countering violent extremism (CVE) strategy, titled "Empowering Local Partners to Prevent Violent Extremism in the United States." The strategy emphasizes the importance of a "community-based approach," to recognizing that communities are often the best-equipped to identify violent extremist messages and to prevent individuals from falling victim to their influence. In December 2011, it was followed by a Strategic Implementation Plan, which attempted to clarify roles and responsibilities among various departments and agencies responsible for federal CVE efforts.

Community engagement programs run by DHS and the National Counterterrorism Center (NCTC) are currently the most prominent examples of federal CVE efforts. Community Awareness Briefings (CABs), which have occurred in 42 cities as of November 15, 2015 educate communities at risk for radicalization and recruitment on the threat from violent extremism. Similarly, over the last three fiscal years, Community Resilience Exercises (CREXs) have been held in ten times, providing reality-based scenarios of radicalization and opportunities to identify solutions. Both programs are continually updated, and have recently been expanded to engage directly with women and youth.

Other Federal CVE efforts include CVE-specific education and training for Federal, State, and local law enforcement. The sharing of research and information among CVE components has increased in the last four years, providing data and performance metrics for developing new and preexisting CVE programs. The DHS Office of Intelligence and Analysis, for example, has begun studying home-grown violent extremists and violent extremist messaging to assess how best to counter the radicalization threat.⁷ There have also been many CVE trainings and workshops, including multiple CVE

⁶HR 2899 is intended to address this threat not only by establishing a counter messaging effort to challenge extremist propaganda targeting Americans, but also by requiring DHS to develop a grant program dedicated to strengthening the ability of credible, nongovernment voices countering the violent Islamist extremist narrative. Numerous CVE experts and senior officials have emphasized the importance of maximizing the impact of nongovernmental organizations, religious institutions and the private sector in CVE efforts.

⁷DHS Response to 12/2014 Letter, p. 6.

education programs for local law enforcement agencies at the DHS Federal Law Enforcement Training Center (FLETC).⁸

Committee’s Review of Federal CVE Efforts

The Committee, after a lengthy review that included multiple briefings and site visits, has found a number of key shortcomings in the Administration’s CVE strategy, which are detailed in Chairman McCaul’s December 17, 2014 letter to President Obama. They include:

- The lack of a clearly defined, overall lead agency.
- The lack of an overall definition of “CVE.”
- The lack of budgeting for and accounting of CVE efforts and reliable personnel figures.
- The lack of established metrics for success.
- Unclear coordination between domestic and foreign CVE efforts.

The DHS CVE Mission

First, as the Administration’s 2011 CVE strategy notes, an effective CVE effort “must use a wide range of good governance programs—including those that promote immigrant integration and civic engagement, protect civil rights, and provide social services—that may help prevent radicalization that leads to violence.”⁹ As some current and former federal officials have noted, DHS touches on a wider array of these types of programs than perhaps any other entity among the four departments and agencies that engage in domestic CVE efforts, considering their numerous component agencies which handle immigration, transportation security, and training for federal, state and local law enforcement, among other issues of importance to communities at risk for radicalization and recruitment for violent Islamist extremism.

Additionally, other agencies responsible for domestic CVE programs and policies have a unique role to play, but need a reliable, robust, and well-organized partner in DHS. As an intelligence agency, the NCTC is primed to support CVE activities with expertise and understanding of the changing threat landscape, but is unlikely to be able to work closely with a wide array of communities at risk for radicalization and recruitment, in large part because of resource limitations. At the same time, the *Final Report of the 9/11 Review Commission* released by the FBI earlier this year, details several reasons why the Bureau cannot take on the “social and prevention role in the CVE mission.”¹⁰ Of note, this report specifically identifies DHS as having the potential to take on FBI’s work in this field. The Department of Justice has a major support role with regard to CVE as U.S. Attorneys were identified in the Administration’s 2011 CVE Strategy as the primary focus of community engagement efforts. But U.S. Attorneys have competing demands and diverse challenges. It is unrealistic to expect each U.S. Attorney’s office across the country to invest the necessary time

⁸Ibid., p. 4.

⁹“Empowering Local Partners to Prevent Violent Extremism in the United States,” Executive Office of the President, p. 2. https://www.whitehouse.gov/sites/default/files/empowering_local_partners.pdf

¹⁰Bruce Hoffman, Edwin Meese III, Timothy J. Roemer, “The FBI: Protecting the Homeland in the 21st Century,” *Federal Bureau of Investigation*, March 25, 2015.

and energy into CVE, but rather they should be able to provide guidance and support to DHS outreach and engagement efforts.

As a practical matter, DHS CVE efforts have received significant support from senior Department leadership, which has arguably resulted in these programs being further along. Secretary Johnson has participated in a series of community engagement events across the United States and created the Department's first stand-alone CVE Coordinator in 2014, and established the Office for Community Partnerships in September 2015 dedicated "to the mission of countering violent extremism . . . to continue to build relationships and promote trust, and, in addition, find innovative ways to support communities that seek to discourage violent extremism and undercut terrorist narratives. In one major example, "¹¹ Federal officials have explained that the Los Angeles Pilot Program Framework developed with assistance from a DHS official dedicated to CVE for that area reflects work that was already being carried out before the pilot program was initiated, while related frameworks for Minneapolis and Boston, developed by the U.S. Attorneys offices in those cities, reflect future programs still being implemented. HR 2899 therefore provides Congress the ability to better organize and clearly resource ongoing DHS CVE activities, and ensure they meet the expectations of the American people.

HEARINGS

No hearings were held on H.R. 2899, however the Committee held the following oversight hearings:

112th Congress

On March 10, 2011, the Full Committee held a hearing entitled "The Extent of Radicalization in the American Muslim Community and That Community's Response." The Committee received testimony from Hon. John D. Dingell, a Representative in Congress from 15th District of Michigan; Hon. Keith Ellison, a Representative in Congress from the 5th District of Minnesota; Hon. Frank Wolf, a Representative in Congress from the 10th District of Virginia; Dr. M. Zuhdi Jasser, President and Founder, American Islamic Forum for Democracy; Mr. Abdirizak Bihi, Director, Somali Education and Social Advocacy Center; Mr. Melvin Bledsoe, Private Citizen; and Sheriff Leroy Baca, Los Angeles County Sheriff's Department.

On June 15, 2011, the Full Committee held a hearing entitled "The Threat of Muslim-American Radicalization in U.S. Prisons." The Committee received testimony from Mr. Patrick T. Dunleavy, Retired Deputy Inspector General, Criminal Intelligence Unit, New York State Department of Correctional Services; Mr. Kevin Smith, Former Assistant United States Attorney, Central District of California; Mr. Michael P. Downing, Commanding Officer, Counter-Terrorism and Special Operations Bureau, Los Angeles Police Department; and Dr. Bert Useem, Department Head and Professor, Sociology Department, Purdue University.

¹¹Statement by Secretary Jeh C. Johnson on DHS's New Office for Community Partnerships, Department of Homeland Security, September 28, 2015. <https://www.dhs.gov/news/2015/09/28/statement-secretary-jeh-c-johnson-dhs%E2%80%99s-new-office-community-partnerships>.

On December 7, 2011, the Full Committee with the Senate Committee on Homeland Security and Governmental Affairs Committee held the first ever joint hearing entitled “Homegrown Terrorism: The threat to Military Communities Inside the United States.” The Committees received testimony from Hon. Paul N. Stockton, Assistant Secretary of Defense for Homeland Defense and America’s Security Affairs, Office of Undersecretary of Defense for Policy, Department of Defense, *accompanied by Mr. Jim Stuteville, United States Army Senior Advisor, Counterintelligence Operations and Liaison to the Federal Bureau of Investigation*; LTC Reid L. Sawyer, Director, Combating Terrorism Center at West Point; and Mr. Daris Long, Private Citizen.

On July 30, 2012, the Subcommittee on Counterterrorism and Intelligence held a field hearing in Buffalo, New York entitled “Beyond Borders: Are the Department of Homeland Security’s International Agreements Ensuring Actionable Intelligence to Combat Threats to the U.S. Homeland?” The Subcommittee received testimony from Ms. Deborah Meyers, Director, Canadian Affairs, Office of International Affairs, Department of Homeland Security; Mr. Daniel J. Neaverth, Jr., Commissioner, Department of Emergency Services, Erie County; and Mr. James Voutour, Sheriff, Niagara County, New York.

113th Congress

On May 22, 2013, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Assessing the Threat to the Homeland from al Qaeda Operations in Iraq and Syria.” The Subcommittee received testimony from Seth G. Jones, Ph.D., Associate Director, International Security and Defense Policy Center, The RAND Corporation, Mr. Robin Simcox, Research Fellow, The Henry Jackson Institute; Mr. Thomas Joscelyn, Senior Fellow, Foundation for the Defense of Democracies; and Mr. Barak Barfi, Research Fellow, New America Foundation.

On July 24, 2014, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Jihadist Safe Havens: Efforts to Detect and Deter Terrorist Travel.” The Subcommittee received testimony from Dr. Fred Kagan, Director, Critical Threats Project, American Enterprise Institute; Mr. Robin Simcox, Research Fellow, The Henry Jackson Society; Dr. Peter Brookes, Senior Fellow, National Security Affairs, Davis Institute for National Security and Foreign Policy, The Heritage Foundation; and Seth G. Jones, Ph.D., Director, International Security and Defense Policy Center, The RAND Corporation.

114th Congress

On February 11, 2015, the Full Committee held a hearing entitled “Countering Violent Islamist Extremism: The Urgent Threat of Foreign Fighters and Homegrown Terror.” The Committee received testimony from Hon. Francis X. Taylor, Under Secretary, Intelligence and Analysis, U.S. Department of Homeland Security; Hon. Nicholas J. Rasmussen, Director, National Counterterrorism Center, Office of the Director of National Intelligence; and Mr. Michael B. Steinbach, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, U.S. Department of Justice.

On March 24, 2015, the Full Committee held a hearing entitled “A Global Battleground: The Fight Against Islamist Extremism at Home and Abroad.” The Committee received testimony from Hon. Newt Gingrich, Former Speaker of the U.S. House of Representatives; General Michael Hayden (USAF-Ret.), Former Director, Central Intelligence Agency and Former Director, National Security Agency; Mr. Philip Mudd, Senior Fellow, New America Foundation; and Mr. Brian Michael Jenkins, Senior Adviser to the RAND President, The RAND Corporation.

On June 3, 2015, the Full Committee held a hearing entitled “Terrorism Gone Viral: The Attack in Garland, Texas and Beyond.” The Committee received testimony from Mr. John J. Mulligan, Deputy Director, National Counterterrorism Center; Hon. Francis X. Taylor, Under Secretary, Intelligence and Analysis, U.S. Department of Homeland Security; and Mr. Michael B. Steinbach, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, U.S. Department of Justice.

On July 15, 2015, the Full Committee held a hearing entitled “The Rise of Radicalization: Is the U.S. Government Failing to Counter International and Domestic Terrorism?” The Committee received testimony from Mr. Seamus Hughes, Deputy Director, Program on Extremism, Center for Cyber and Homeland Security, George Washington University; Ms. Farah Pandith, Adjunct Senior Fellow, Council on Foreign Relations; Mr. Richard Cohen, President, Southern Poverty Law Center.

COMMITTEE CONSIDERATION

The Committee met on July 15, 2015, to consider H.R. 2899, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

A Amendment in the Nature of a Substitute offered by MR. McCAUL (#1); was AGREED TO, as amended, by voice vote.

An Substitute Amendment in the Nature of a Substitute offered by MR. THOMPSON of Mississippi (#1); was NOT AGREED TO, by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 2899 offered by MR. KATKO (#1A); was AGREED TO by voice vote.

In subsection (d) of the proposed section 104 of the Homeland Security Act of 2002 (as added by section 1 of the bill), add the following: “(6) Coordinating with the Administrator of the Federal Emergency Management Agency to administer the grant program under subsection (f).”

Redesignate subsections (f) through (h) of the proposed section 104 of the Homeland Security Act of 2002 (as added by section 1 of the bill) as subsections (i) through (k), respectively.

Insert a new subsection entitled “(f) Grant Program.”

In subsection (i) (relating to the annual report), as so redesignated, of the proposed section 104 of the Homeland Security Act of 2002 (as added by section 1 of the bill), insert the following: “(8) An evaluation of the grant program under subsection (f), including information on the effectiveness of such grants in countering violent extremism.”

In subsection (h) (relating to authorization of funding), insert before the period at the end the following: “of which \$6,000,000 shall be used to carry out the grant program under subsection (f)”.

An amendment to the Amendment in the Nature of a Substitute to H.R. 2899 offered by MR. LOUDERMILK (#1B); was AGREED TO by voice vote.

Page 8, beginning line 13, insert the following:

“(8) A description of how the Office incorporated lessons learned from the countering violent extremism programs and policies of other Foreign departments and agencies, as well as foreign, State, local, tribal, and territorial governments and stakeholder communities.”.

An amendment to the Amendment in the Nature of a Substitute to H.R. 2899 offered by MR. DUNCAN of South Carolina (#1C); was AGREED TO by voice vote.

Page 8, line 20, strike the closing quotation mark and the second period.

Page 8, beginning line 21, insert a new subsection entitled “(i) Sunset.”

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 vote was requested during consideration of H.R. 299.

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. 2899, the Countering Violent Extremism Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 6, 2015.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2899, the Countering Violent Extremism Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2899—Countering Violent Extremism Act of 2015

Summary: H.R. 2899 would establish the Office for Countering Violent Extremism in the Department of Homeland Security. The bill would authorize the appropriation of \$10 million annually over the 2016–2020 period for the office, including \$6 million each year for the office to make grants to community groups and other organizations for counter-messaging campaigns targeting violent extremism.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2899 would cost \$41 million over the 2016–2020 period. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 2899 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2899 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	10	10	10	10	10	50
Estimated Outlays	4	8	9	10	10	41

For this estimate, CBO assumes that the amounts authorized in the bill will be appropriated by the start of each fiscal year and that outlays will follow the historical rate of spending for similar activities.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 2899 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Mark Grabowicz; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa A. Gullo, Assistant Director for Budget Analysis.

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. 2899 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 2899 requires that for each of the next five years, the Department of Homeland Security must submit to Congress a report which includes “qualitative and quantitative outcome-based metrics” for measuring the success of CVE programs.

DUPPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 2899 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

While H.R. 2899 does not establish a duplicative existing program, it is intended to establish within the Department of Homeland Security an Office for Countering Violent extremism, to replace and enhance the authority of the existing Office of Community Partnerships, established on September 28, 2015.

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

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

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. 2899 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2899 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 “Countering Violent Extremism Act of 2015” or the “CVE Act”.

Sec. 2. Authorization of the Office for Countering Violent Extremism of the Department of Homeland Security.

This section established with in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq) a new section as follows:

“SEC. 104. OFFICE FOR COUNTERING VIOLENT EXTREMISM.”

SUBSECTION (A) amends Title I of the Homeland Security Act of 2002 by adding “Sec. 104. Office for Countering Violent Extremism.” This section is broken down as follows:

Paragraph (a)—Establishment creates an Office for Countering Violent Extremism in the Department of Homeland Security, led by “The Assistant Secretary for Countering Violent Extremism” (the Assistant Secretary) and will be appointed by the Secretary of Homeland Security. The Secretary will also appoint a career Deputy Assistant Secretary for Countering Violent Extremism.

Paragraph (b)—Assignment of Personnel requires the Secretary to assign or hire permanent staff for the OCVE, and seek to assign or hire an individual with a background in technical matters, the media, communications, or marketing.

Paragraph (c)—Support requires the Secretary to appoint liaisons from each appropriate component and office within the Department to support the OCVE, including at a minimum U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, the Office of Privacy, the National Protection and Programs Directorate, the Office of Civil Rights and Civil Liberties, the U.S. Secret Service, and the Science and Technology Directorate.

Paragraph (d)—Responsibilities outlines duties of the Assistant Secretary and the OCVE. Some of these functions reflect ongoing efforts DHS is currently engaged in that would be managed or coordinated through the OCVE across DHS.

This includes coordination on A) identifying risk factors and potential remedies for violent extremism; B) identifying populations targeted by violent extremist propaganda, messaging, or recruitment; C) managing DHS outreach to these at-risk populations; D) ensuring relevant and empirically valid research and products inform CVE efforts; E) developing a Department-wide CVE strategy (which is required to address a counter-messaging program that uses the Internet, digital, and other technologies and is based on the best practices of domestic and international partners, engagement and outreach efforts, cooperative agreements, privacy and civil liberties, and qualitative and quantitative and outcome-based evaluative metrics); F) identifying areas for CVE-related research; and G) assessing methods used by violent extremists to disseminate propaganda.

In addition, the Assistant Secretary is required to establish a counter-messaging program using the internet, relevant social media platforms, and other resources; act as the department-level representative to coordinate CVE efforts with other departments and non-governmental organizations (NGOs); serve as the primary Department-level representative in coordinating with the Department of State on international CVE efforts; and assist the Federal Emergency Management Agency (FEMA) Administrator and the Officer for Civil Rights and Civil Liberties in awarding CVE-related grants.

Paragraph (e)—Memorandum of Understanding requires the Assistant Secretary for to enter into a memorandum of understanding with the FEMA Administrator regarding CVE-related grants. CVE is already an allowable use for these grants under current DHS policy. This section provides clarity on the roles of the Assistant Secretary and the Administrator in the evaluation of grant applications and the awarding of grants.

Paragraph (f)—Grant Program establishes a program for eligible communities and organizations to receive grants to create counter-messaging campaigns. This program will be coordinated by the Assistant CVE Secretary, FEMA Administrator, and CRCL Officer, who all must provide the both the House and Senate Homeland Security Committees with an implementation plan for the grant program 90 days after the section’s enactment. An organization or community group is ineligible for a grant if they have funded or engaged in violent extremist activities.

Paragraph (g)—Annual Report requires the Assistant Secretary to submit an annual report to Congress and outlines topics for the report to address. These include:

1. a description of the status of DHS CVE-related programs and policies and the Department’s budget and personnel dedicated to CVE (including those dedicated to CVE full- and part-time);
2. a description of how the OCVE is working with other departments and agencies;
3. quantitative and qualitative outcome-based metrics for evaluating the success of CVE programs within the Office and details on how these programs are evaluated;
4. a detailed summary of NGOs with which DHS conducted outreach or to which DHS awarded CVE-related grants; an account of how those grants were spent; a list of all CVE-related trainings sponsored by DHS;
5. details of the optimal level of personnel and funding for the Office;
6. an analysis of how the Department’s CVE activities correspond and adapt to the threat environment;
7. a detailed summary of how civil rights and civil liberties are protected in the Department’s CVE efforts;
8. an evaluation of the grant program, including its effectiveness; and
9. a description of how the Office incorporated lessons learned from CVE programs and policies belonging to other departments and agencies.

Paragraph (h)—Violent Extremism Defined defines the term “violent extremism,” which for the purpose of this bill means “ideologically motivated terrorist activities.”

Paragraph (i)—Authorization of Funding authorizes \$10 million of the funds made available to the Office of the Secretary to the OCVE for each of fiscal years 2016 through 2020, with \$6,000,000 for use by the grant program established under subsection (f).

Paragraph (j)—Sunset will commence five years after the date of enactment.

Subsection (b)—Clerical Amendment amends the table of contents in the Homeland Security Act of 2002 to reflect the insertion of Sec. 104 after Sec. 103.

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):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE I—DEPARTMENT OF HOMELAND SECURITY						
*	*	*	*	*	*	*
<i>Sec. 104. Office for Countering Violent Extremism.</i>						
*	*	*	*	*	*	*

TITLE I—DEPARTMENT OF HOMELAND SECURITY

*	*	*	*	*	*	*
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SEC. 104. OFFICE FOR COUNTERING VIOLENT EXTREMISM.

(a) **ESTABLISHMENT.**—*There is in the Department an Office for Countering Violent Extremism. The head of the Office shall be the Assistant Secretary for Countering Violent Extremism, who shall be appointed by the Secretary. The Secretary shall also appoint a career Deputy Assistant Secretary for Countering Violent Extremism.*

(b) **ASSIGNMENT OF PERSONNEL.**—*The Secretary shall assign or hire, as appropriate, permanent staff to the Office for Countering Violent Extremism. In carrying out this subsection, the Secretary shall, to the maximum extent practicable, seek to assign to or hire for the Office an individual who has a demonstrated background in technical matters, on and offline media, communications, or marketing.*

(c) **SUPPORT.**—*The Secretary shall appoint within each appropriate component and office of the Department, including at a minimum, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, United States Citizenship and Immigration Services, the Office of Privacy, the National Protection and Programs Directorate, the Office of Civil Rights and Civil Liberties, the Secret Service, and the Science and Technology Directorate, an individual to serve as liaison to the Office for Countering Violent Extremism.*

(d) **RESPONSIBILITIES.**—*The Assistant Secretary for Countering Violent Extremism shall be responsible for the following:*

- (1) *Coordinating the Department’s activities to counter violent extremism across all the components and offices of the Depart-*

ment that conduct strategic and supportive activities to counter violent extremism. Such activities shall include the following:

(A) Identifying risk factors that contribute to violent extremism in communities in the United States and potential remedies for use by Government and non-government institutions.

(B) Identifying populations targeted by violent extremist propaganda, messaging, or recruitment.

(C) Managing the outreach and engagement activities of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

(D) Ensuring relevant information, empirically-valid research, and products inform activities to counter violent extremism.

(E) Developing and maintaining a Department-wide strategy guiding policies and programs to counter violent extremism. Such strategy shall, at a minimum, address each of the following:

(i) The Department's counter-messaging program pursuant to paragraph (2), including a plan to leverage new and existing Internet, digital, and other technologies and social media platforms to counter violent extremism, as well as the best practices and lessons learned of other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners engaged in similar counter-messaging activities.

(ii) The Department's countering violent extremism-related engagement and outreach activities.

(iii) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for activities relating to countering violent extremism.

(iv) Ensuring all activities related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all Americans.

(v) The development of qualitative and quantitative outcome-based metrics to evaluate the Department's programs and policies to counter violent extremism.

(F) Identifying and recommending new research and analysis requirements in consultation with the Under Secretary for Science and Technology and the Under Secretary for Intelligence and Analysis and ensure the dissemination of information and methods to Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement, and non-governmental partners to utilize such research and analysis.

(G) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for radicalization and recruitment.

(2) Establishing a counter-messaging program to craft strategic counter-messages to the propaganda and messaging referred to in subparagraph (G) of paragraph (1) which shall—

(A) explore ways to utilize relevant Internet and other technologies and social media platforms; and

(B) maximize other resources available to the Department, including utilizing hiring authorities available under law.

(3) Serving as the primary representative of the Department in coordinating countering violent extremism activities with other Federal departments and agencies and non-governmental organizations.

(4) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

(5) In coordination with the Administrator of the Federal Emergency Management Agency and the Officer for Civil Rights and Civil Liberties of the Department, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

(6) Coordinating with the Administrator of the Federal Emergency Management Agency to administer the grant program under subsection (f).

(e) **MEMORANDUM OF UNDERSTANDING.**—The Assistant Secretary for Countering Violent Extremism shall enter into a memorandum of understanding with the Administrator of the Federal Emergency Management Agency outlining the roles of the Assistant Secretary and the Administrator with respect to the administration of grants under sections 2003 and 2004 related to countering violent extremism.

(f) **GRANT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Assistant Secretary for Countering Violent Extremism, in coordination with the Administrator of the Federal Emergency Management Agency and the Officer for Civil Rights and Civil Liberties of the Department, shall establish a grant program for eligible community groups and organizations to assist such groups and organizations in establishing counter-messaging campaigns targeting violent extremism.

(2) **IMPLEMENTATION PLAN.**—Not later than 90 days after the date of the enactment of this section, the Assistant Secretary for Countering Violent Extremism, in coordination with the Administrator of the Federal Emergency Management Agency and the Officer for Civil Rights and Civil Liberties of the Department, shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an implementation plan for the grant program under this subsection, including eligibility criteria, application criteria, methodology for awarding grants, and a plan for monitoring and evaluating grant applications and awards.

(3) **PROHIBITION.**—A community group or organization is not eligible for a grant under this subsection if such group or organization has knowingly funded violent extremist activities or organizations known to engage in such activities, as determined by the Assistant Secretary for Countering Violent Extremism, in coordination with the heads of other relevant Federal departments and agencies.

(g) **ANNUAL REPORT.**—The Assistant Secretary for Countering Violent Extremism shall submit to Congress an annual report for each

of the next five fiscal years (beginning in the fiscal year that begins after the date of the enactment of this section) on the Office for Countering Violent Extremism. Each such report shall include the following:

(1) A description of the status of the programs and policies of the Department for countering violent extremism in the United States, including the budget of the Department for countering violent extremism and the number of full-time employees dedicated to countering violent extremism programs, as well as the number of part-time employees supporting countering violent extremism programs. Each such budget shall include an accounting of all funding amounts for all departmental programs, initiatives, and personnel related to countering violent extremism.

(2) A description of the activities of the Office to cooperate with and provide assistance to other departments and agencies.

(3) The qualitative and quantitative outcome-based metrics under clause (v) of subsection (d)(1)(E) used for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies.

(4) A detailed summary of the organizations with which the Department conducted outreach to discuss countering violent extremism, an accounting of grants awarded by the Department to counter violent extremism, and an accounting of all training specifically aimed at countering violent extremism sponsored by the Department.

(5) Details of the optimal level of personnel and funding for the Office.

(6) An analysis of how the Department's activities to counter violent extremism correspond and adapt to the threat environment.

(7) A summary of how civil rights and civil liberties are protected in the Department's activities to counter violent extremism.

(8) An evaluation of the grant program under subsection (f), including information on the effectiveness of such grants in countering violent extremism.

(9) A description of how the Office incorporated lessons learned from the countering violent extremism programs and policies of other Foreign departments and agencies, as well as foreign, State, local, tribal, and territorial governments and stakeholder communities.

(h) **VIOLENT EXTREMISM DEFINED.**—In this section, the term “violent extremism” means ideologically motivated terrorist activities.

(i) **AUTHORIZATION OF FUNDING.**—Out of funds made available to the Office of the Secretary, \$10,000,000 is authorized to be used for the Office for Countering Violent Extremism for each of fiscal years 2016 through 2020, of which \$6,000,000 shall be used to carry out the grant program under subsection (f).

(j) **SUNSET.**—This section shall terminate on the date that is five years after the date of the enactment of this section.

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ADDITIONAL VIEWS

On Wednesday, July 15, 2015, the Committee on Homeland Security approved by voice vote, H.R. 2899, “The Countering Violent Extremism Act of 2015,” or “CVE Act” as amended. At the mark-up, I was prepared to offer an amendment in the nature of a substitute that would have addressed significant concerns I had about H.R. 2899’s potential impact on Americans’ civil rights and civil liberties. After a vigorous debate, however, I received a commitment from Chairman McCaul that he would work with me to resolve these issues, which were raised by Committee Democrats and shared by outside organizations, most notably the American Civil Liberties Union. While I am pleased that the Chairman agreed to make some refinements to the bill, I remain skeptical about H.R. 2899.

H.R. 2899 would establish a high-level office for Countering Violent Extremism (CVE) within the Department of Homeland Security (DHS). The legislation requires DHS to establish a program to counter the narrative promulgated by extremist groups that seek to recruit and radicalize individuals in the United States. I appreciate the threat posed by terrorist organizations that utilize social media and the Internet to spread propaganda and radicalize American youth, I continue to have concerns about the efficacy of the approach advanced by H.R. 2899.

Under its existing CVE program, DHS coordinates with other Federal agencies to provide training to local law enforcement, as well as community engagement activities, to build resiliency in at-risk communities. These CVE activities are not without controversy. Civil rights and civil liberty concerns are implicated when the practice of a CVE program is to focus almost exclusively on Muslim communities while ignoring other types of violent extremism despite recent incidents. Sovereign citizen and other anti-government groups have successfully recruited new members through the use of mainstream sites such as Facebook as well as through dedicated extremist sites. The assailant who carried out the deadly attack in Charleston, South Carolina frequented such sites. Moreover, the Department’s current approach risks conveying a message of discrimination, and inequality that may play into terrorists’ recruitment propaganda.

I am encouraged that H.R. 2899, with the refinements negotiated with the Chairman, now expands the DHS’ CVE activities from “ideologically motivated terrorist activities”—which is not defined in statute—to “ideologically motivated international terrorism,” which *is* defined in code (18 U.S.C. 2331). This definition would broaden the scope of the Department’s CVE activities to target not only ideologies linked to foreign terrorist organizations, but also ideologically-motivated “domestic terrorism.” This is an important clarification of Congress’ expectation of DHS in the CVE mission

space. Despite numerous requests for the Department to expand its CVE activities beyond Muslim communities, DHS has yet to comply. Thus, it is unclear whether the Department will fully embrace its responsibility to address ideologically-motivated “domestic terrorism.”

Additionally, after much negotiation, the legislation now requires the Department to issue a CVE strategy that links its activities with “homeland security risk posed by violent extremism based on the threat environment and empirical data assessing terrorist activities and incidents, and violent extremist propaganda, messaging, or recruitment.” Ostensibly, this would bring DHS’s singular focus on recruitment from foreign terrorists into alignment with the current threat environment that most state and locals agree is posed by domestic terrorism.

Although DHS continues to be actively engaged in CVE, it has rebuffed opportunities to come before the Committee on Homeland Security to testify about its current CVE efforts. DHS still has yet to present a CVE strategy or formal statement of the Department’s position on this bill. Moreover, there are no studies or identifiable metrics to show the effectiveness of the CVE programs.

Until there is more transparency from the Department regarding its current CVE activities, and a strategy for implementation tied directly to validated approaches, it is premature to establish a high-level CVE office. Put simply, there is no justification for creating a new office with new authorities and a \$40 million dollar budget to engage in activities that have not yet been scientifically validated.

While I share my colleague’s commitment to countering the threat of violent extremism in all of its forms, the concerns I raised at the Committee mark-up in July remain. H.R. 2899 can only achieve its goal if the Department puts forth identifiable metrics and an agency strategy that ensures that the office respects civil liberties and civil rights while addressing domestic and international threats of violent extremism.

Despite my concerns, I am hopeful that H.R. 2899 can be successful in our efforts to counter violent extremism, without making unnecessary and ill-advised concessions to the civil rights and civil liberties of ordinary Americans. Whether H.R. 2899, or similar legislation, is enacted into law or not, I look forward to continued, rigorous oversight of DHS’ CVE programs in the weeks and months ahead, and I urge the Chairman to make this oversight a priority.

BENNIE G. THOMPSON.

