

Calendar No. 552

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
114-296

AMENDING THE HOMELAND SECURITY ACT
OF 2002 TO BUILD PARTNERSHIPS TO
PREVENT VIOLENCE BY EXTREMISTS

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2522



JULY 11, 2016.—Ordered to be printed

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AMENDING THE HOMELAND SECURITY ACT OF 2002 TO BUILD PARTNERSHIPS TO PREVENT VIOLENCE BY EX- TREMISTS

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Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2522]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2522) to amend the Homeland Security Act of 2002 to build partnerships to prevent violence by extremists, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 2522 is to establish the Office for Partnerships Against Violent Extremism within the Department of Homeland Security (DHS or “the Department”). The bill requires the DHS Secretary to designate, as head of the new office, an Assistant Secretary who will coordinate the Department’s domestic countering violent extremism (CVE) efforts. The bill also facilitates oversight of the Department’s CVE efforts by defining previously-ambiguous language and requiring the DHS Secretary to report to Congress on the Department’s domestic CVE strategy and evaluation metrics.

II. BACKGROUND AND THE NEED FOR LEGISLATION

As early as 2003, national security officials have differentiated between “trying to stop terrorists” and a “long-range plan” to encourage locals to counter violent extremism.¹ CVE involves building awareness, counter-narrative measures, and interventions to prevent all forms of terrorism.² CVE does not include “disruptive actions which focus on stopping acts of terrorism by those who have already subscribed to violence.”³

In September 2015, DHS Secretary Jeh Johnson recognized domestic CVE as a key mission of the Department.⁴ He attributed the importance of this mission to a global terrorist threat, which he described to this Committee one month later as evolving to exploit the Internet to “publicly recruit and inspire individuals to conduct attacks within their own homelands.”⁵ As a result, “lone actors or insular groups—often self-directed or inspired by overseas groups, like ISIS—pose the most serious threat to carry out attacks here.”⁶

Hedieh Mirahmadi, President of the World Organization for Resource Development and Education (WORDE), testified before the Committee regarding the far-reaching, negative impacts these domestic terrorist attacks have on social cohesion:

Domestic terror attacks are creating fault lines in our societies that will only lead to more violence, if they are not repaired. The separation of Muslims from non-Muslims feeds into the bifurcated worldview of the terrorists who say—it is us vs. them—the West against Islam. A comprehensive prevention agenda therefore must include programs that prevent that divide—so that there is only an “us” against the terrorists.⁷

Building awareness

As early as 2008, DHS pioneered Federal efforts to build community awareness of the terrorist threat and violent extremist recruitment.⁸ The next year, DHS started “developing case studies of

¹Memorandum from Hon. Donald Rumsfeld, Secretary, U.S. Dep’t of Def., to Gen. Dick Myers, Paul Wolfowitz, Gen. Pete Pace, & Doug Feith 2 (Oct. 16, 2003), available at <http://www.globalsecurity.org/jhtml/jframe.html#http://www.globalsecurity.org/military/library/policy/dod/d20031016sdmemo.pdf>.

²*Factsheet: A Comprehensive U.S. Government Approach to Countering Violent Extremism*, https://www.dhs.gov/sites/default/files/publications/US%20Government%20Approach%20to%20CVE-Fact%20Sheet_0.pdf (last visited June 29, 2016).

³*Id.*

⁴Memorandum from Hon. Jeh Johnson, Secretary, Dept of Homeland Sec., to DHS Senior Leadership 1 (Sept. 28, 2015), available at: https://www.dhs.gov/sites/default/files/publications/Secretary%20Johnson's%20Building%20Community%20Partnerships%20Memo_1.pdf.

⁵*Id.*; *Threats to the Homeland: Hearing Before S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. 10 (2015) (statement of Hon. Jeh Johnson, Secretary, Dep’t of Homeland Sec.) [hereinafter *Threats to the Homeland*].

⁶*Oversight and Reauthorization of the FISA Amendments Act: The Balance between National Security, Privacy and Civil Liberties: Hearing before S. Comm. on the Judiciary*, 114th Cong. 2 (2016) (statement of Matthew Olsen, Former Director of the National Counterterrorism Center), available at <https://www.judiciary.senate.gov/imo/media/doc/05-10-16%20Olsen%20Testimony.pdf>.

⁷*Inside the Mind of ISIS: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. 3 (2016) (statement of Hedieh Mirahmadi, President, World Org. for Res. Dev. & Edu. (WORDE)), available at <http://www.hsgac.senate.gov/download/testimony-mirahmadi-2016-01-20> [hereinafter *Inside the Mind of ISIS*].

⁸Communications between Dep’t of Homeland Sec. staff and S. Homeland Sec. & Governmental Affairs Comm. staff (June 28, 2016).

homegrown violent extremists to identify indicators of radicalization.”⁹

The challenges facing domestic law enforcement include discerning when freedom of speech and expression cross into criminal activity; examining a broad pool of suspects and an evolving, decentralized threat; and trying to prevent a growing number of simple, opportunistic attacks.¹⁰ Domestic law enforcement strategies to prevent terrorism largely focus on stopping the operational aspects of violent terrorist plots.¹¹ The problem with solely focusing on stopping terrorists operationally is that, as attacks increase in number, they are also increasingly difficult for domestic law enforcement to detect and disrupt.¹²

From 2009 to 2015, 74 percent of terrorist attacks in the United States were conducted by lone wolves—individuals who carry out a terrorist attack entirely on their own.¹³ That total rose to 90 percent when counting incidents involving one or two perpetrators.¹⁴ As Peter Bergen, the Director of the New America Foundation’s National Security Studies Program, told this Committee in November, “every person who’s been killed by a jihadi terrorist in this country since 9/11 has been killed by an American citizen or resident.”¹⁵

Examples of recent terrorist attacks include those in 2009 in Little Rock, Arkansas and Ft. Hood, Texas; the shooting at a Sikh temple in Oak Creek, Wisconsin in 2012; the 2013 bombings at the Boston Marathon in Boston, Massachusetts and shootings in Chattanooga, Tennessee; shootings in Garland, Texas, Charleston, South Carolina, and San Bernardino, California in 2015; and the attack in Orlando, Florida in 2016.¹⁶ Homegrown terrorist attacks

⁹*Homeland Threats and Agency Responses: Hearing Before S. Comm. on Homeland Sec. & Governmental Affairs*, 112th Cong. 12–13 (2012) (citing Hon. Janet Napolitano’s, Secretary, Dep’t of Homeland Sec., Responses to Questions for the Record on file with HSGAC staff) (explaining that by 2012, the Department had done over 75 case studies and assessments on homegrown violent extremist activities and potential material support activities in the United States—including an in-depth study that looks at common behaviors associated with 62 cases of Al Qaeda-inspired violent extremists) [hereinafter *Homeland Threats and Agency Responses*]; *Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 111th Cong. 1 (2010) (citing Hon. Janet Napolitano’s, Secretary, Dep’t of Homeland Sec., Responses to Questions for the Record on file with HSGAC staff) [hereinafter *Nine Years After 9/11*].

¹⁰*Threats to the Homeland* 10, 15, 25 (statement of Hon. Jeh Johnson, Secretary, Dep’t of Homeland Sec., and Hon. James B. Comey, Director, FBI, Hon. Nicholas J. Rasmussen, Director, NCTC); Naureen Chowdhury Fink & Jack Barclay, *Mastering the Narrative: Counterterrorism Strategic Communication and the United Nations*, Center on Global Counterterrorism 6 (Feb. 2013), http://globalcenter.org/wp-content/uploads/2013/03/Feb2013_CT_StratComm.pdf.

¹¹Jerome P. Bjelopera, Cong. Research Serv., R42553, *Countering Violent Extremism in the United States* 1 (2014).

¹²*Threats to the Homeland* (statement of Hon. Jeh Johnson, Secretary, Dep’t of Homeland Sec.).

¹³*Lone Wolf Report*, Southern Poverty Law Center 4, 8–9 (Feb. 11, 2015), available at https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/lone_wolf_special_report_0.pdf [hereinafter *Lone Wolf Report*]; *Inside the Mind of ISIS* 41–42 (explaining social sciences research that associates lone wolves with a higher likelihood of mental illness).

¹⁴*Lone Wolf Report* at 4, 8.

¹⁵*The Impact of ISIS on the Homeland and Refugee Resettlement: Hearing Before S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. 113 (2015) (statement of Peter Bergen, Director, National Security Studies Program, New America Foundation).

¹⁶See generally, *The Ideology of ISIS: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016); *Terrorism Gone Viral: Attack in Garland, Texas and Beyond: Hearing Before H. Homeland Sec. Comm.*, 114th Cong. (2015) (statement of Michael B. Steinbach, Assistant Director, FBI); *The Rise of Radicalization: Is the U.S. Government Failing to Counter International and Domestic Terrorism?: Hearing Before H. Homeland Sec. Comm.*, 114th Cong. 20–21 (2015) (statement of J. Richard Cohen, President, Southern Poverty Law Center) [hereinafter *The Rise of Radicalization*]; see also Lorenzo Vidino & Seamus Hughes,

involving self-radicalized individuals are not solely the result of ISIS or Al Qaeda-inspired extremism. For example, Dylann Roof, the suspect in the 2015 mass shooting in Charleston, South Carolina, appears to have become self-radicalized according to the manifesto he published online.¹⁷ The Department’s CVE partnerships are the result of broader government and civil society collaboration to better identify the radicalization retrospectively in each of these cases and prevent similar terrorist attacks.¹⁸

In 2008, Committee staff published a report titled *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat* warning about the increased frequency with which United States-based militants are active online.¹⁹ Eight years later, the Committee heard from experts that the Government needs to do more to teach parents about online threats their children face.²⁰ To illustrate these threats, Hedieh Mirahmadi described a systemic problem of youth exposure to Internet predators, saying that “many young people are either unaware or ignore the long-term consequences of inappropriate uses of social media and . . . run the risk of being recruited by an Internet predator—whether that’s a pedophile or a terrorist.”²¹

Counter-narrative measures

At the Committee’s 2015 hearing on the use of social media by terrorists, Peter Bergen testified on the importance of amplifying a positive message rather than trying to attack or eliminate the negative message put forward by terrorist groups like ISIS.²² In 2016, further testimony before the Committee on the topic of messaging revealed that foreign fighters are often motivated to avenge the oppressed as a result of ISIS’s focus on a narrative of victimization, humiliation, and ultimately, redemption.²³ To address this, Dr. Jessica Stern, a Research Professor at Boston University’s Pardee School of Global Studies, testified that any counter-narrative should offer vulnerable individuals “another way to be he-

ISIS in America: From Retweets to Raqqa, The George Washington Univ., Program on Extremism 7 (Dec. 2015), <https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/ISIS%20in%20America%20-%20Full%20Report.pdf>; *Deadly Attacks Since 9/11*, International Security, <http://securitydata.newamerica.net/extremists/deadly-attacks.html> (last visited June 24, 2016).

¹⁷*The Rise of Radicalization* at 20–21 (statement of J. Richard Cohen, President, Southern Poverty Law Center).

¹⁸Michael J. Williams, Ph.D., John G. Horgan, Ph.D., & Williams P. Evans, Ph.D., *Evaluation of a Multi-Faceted, U.S. Community-Based, Muslim-Led CVE Program*, National Criminal Justice Reference Service 8 (June 2016), <https://www.ncjrs.gov/pdffiles1/nij/grants/249936.pdf>.

¹⁹Staff of S. Comm. on Homeland Sec. & Governmental Affairs, 110th Cong., *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat*, (Comm. Print, May 8, 2008), available at <http://www.hsgac.senate.gov/imo/media/doc/IslamistReport.pdf>.

²⁰*Inside the Mind of ISIS* at 16, 67 (statements of Dr. Jessica Stern, Research Professor, Pardee School for Global Studies, Boston Uni., and Dr. Bernard Haykel, Director, The Institute of Transregional Studies, and Professor of Near Eastern Studies, Princeton Univ.) (explaining that parents think kids are safe online and a description of ISIS luring kids from online discussions to play its own version of Grand Theft Auto the video game).

²¹*Id.* at 5 (statement of Hedieh Mirahmadi, President, World Org. for Res. Dev. & Edu. (WORDE)), <http://www.hsgac.senate.gov/download/testimony-mirahmadi-2016-01-20>.

²²*Jihad 2.0: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. 63 (2015) (statement of Peter Bergen, Director, National Security Studies Program, New America Foundation) [hereinafter *Jihad 2.0*].

²³*Inside the Mind of ISIS* at 11, 15, 32 (statements of Dr. Jessica Stern, Research Professor, Pardee School for Global Studies, Boston Uni., and Dr. Bernard Haykel, Director, The Institute of Transregional Studies, and Professor of Near Eastern Studies, Princeton Univ.).

roes,” and should avoid feeding a narrative of ISIS as the redeeming champion that defends humiliated victims.²⁴

Also at the Committee’s social media hearing, Daveed Gartenstein-Ross, a Senior Fellow at the Foundation for Defense of Democracies, testified that “the interconnectivity of the Internet . . . suddenly makes someone who is alone a part of a group.”²⁵ To counter the social appeal of terrorist narratives, the Department’s CVE measures promote integrated and resilient communities that are aware of threats and better equipped to expose the lies and manipulations of a foreign terrorist organization that hopes to exploit vulnerable individuals for a narrow violent agenda.²⁶ Dr. Heaton, who previously served as President and Chief Executive Officer of Legacy, the leading Foundation dedicated to tobacco control, highlighted a successful example of youth changing behavior after a national campaign exposed how the tobacco industry was lying to its customers in a hearing on countering the demand for drugs.²⁷ Dr. Heaton testified that youth were energized by a grassroots campaign in the days before social media.²⁸

Interventions

In August 2011, the Administration released a strategy entitled “Empowering Local Partners to Prevent Violent Extremism in the United States.”²⁹ The Administration describes this as both a strategy to “prevent” and a policy to “counter” violent extremism domestically.³⁰ This strategy expresses a willingness to consider new and innovative preventive tools that can address the evolving nature of terrorism better than traditional Federal counterterrorism functions.³¹

However, the accompanying Strategic Implementation Plan (SIP) ensured that traditional national security or law enforcement agencies will lead the programs and activities outlined in the strategy.³² Moreover, the SIP “does not outline mechanisms for law enforcement to refer radicalizing individuals for community intervention.”³³ As such, the CVE strategy and SIP support training society to recognize radicalization, but offer no recommendations on

²⁴*Id.* at 31–33 (statement of Dr. Jessica Stern, Research Professor, Pardee School for Global Studies, Boston U.).

²⁵*Jihad 2.0* at 31 (statement of Daveed Gartenstein-Ross, Senior Fellow, Foundation for Defense of Democracies).

²⁶*Factsheet: A Comprehensive U.S. Government Approach to Countering Violent Extremism*, DHS https://www.dhs.gov/sites/default/files/publications/US%20Government%20Approach%20to%20CVE-Fact%20Sheet_0.pdf (last visited June 29, 2016).

²⁷*America’s Insatiable Demand For Drugs: Hearing Before the S. Comm. On Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (statement of Cheryl Heaton, Dean, New York University).

²⁸*Id.*

²⁹ Press Release, The White House, Office of the Press Secretary, Empowering Local Partners to Prevent Violent Extremism in the United States (Aug. 3, 2011), <https://www.whitehouse.gov/the-press-office/2011/08/03/empowering-local-partners-prevent-violent-extremism-united-states>.

³⁰ Press Release: The White House, Office of the Press Secretary, Fact Sheet: The White House Summit on Countering Violent Extremism (Feb 18, 2015), <https://www.whitehouse.gov/the-press-office/2015/02/18/fact-sheet-white-house-summit-countering-violent-extremism>.

³¹ Naureen Chowdhury Fink & Jack Barclay, *Mastering the Narrative: Counterterrorism Strategic Communication and the United Nations*, Center on Global Counterterrorism 6 (Feb. 2013), http://globalcenter.org/wp-content/uploads/2013/03/Feb2013_CT_Strat&Comm.pdf.

³² Jerome P. Bjelopera, *supra* note 11, at 29.

³³ *Id.* at 17.

how to cope with a radicalized individual unless that individual “mobilizes and becomes a terrorism suspect.”³⁴

Moreover, according to a National Institute of Justice funded evaluation of a “multi-faceted, U.S. community-based, Muslim-led CVE program,” the Government CVE strategy of “centralized coordination and decentralized execution”³⁵ has led to a grass-roots “lack of basic awareness and information regarding appropriate responses to the warning signs of radicalization” that impedes efforts to seek help “when an acquaintance, friend, or loved one appears to be on a path toward violent extremism.”³⁶ This same evaluation, together with a separate study by the same researchers, made valuable findings that could help the Department ensure funding is awarded to the most effective community-led CVE programs possible. It found that peers are best positioned to notice radical changes in a friend’s baseline behavior.³⁷ While approaching a third-party goes against the grain, peers were willing to do so, but more likely to directly talk to a friend that showed signs of supporting violent extremism than to approach law enforcement.³⁸

Importantly, a CVE-engaged network of community, government, nonprofit, and religious community actors is critical to community-led interventions. That network necessarily includes law enforcement so that if, or when, the line to criminal activity is crossed, civilian service providers know who to call. For example, in a study of lone wolf terrorist attacks that occurred after the attacks on September 11, 2001, 76 percent of perpetrators broadcasted their intentions prior to an attack, often more than once.³⁹ CVE engagements should inform communities that any such open threat of criminal intent should be referred to law enforcement. Law enforcement can build collaborative partnerships with communities by keeping them aware of local threats and educating civilians about the legal limitations of law enforcement interventions when no crime has been committed.

Office of Partnerships Against Violent Extremism

Until recently, DHS’s CVE efforts were “scattered across a number of components, lack[ed] specific goals, and [resulted in] tangible measures of success in pursuit of those goals.”⁴⁰ In September 2015, Secretary Johnson announced the creation of the Office of Community Partnerships, which would serve as the Department’s new CVE office.⁴¹ To reflect the Committee’s agreement that the Department’s CVE efforts should be coordinated in one office, and to codify the responsibilities of that office, S. 2522 creates the “Of-

³⁴ *Id.*

³⁵ *Nine Years After 9/11* (statement of Michael E. Leiter, Director, National Counterterrorism Center).

³⁶ Michael J. Williams, Ph.D., John G. Horgan, Ph.D., & Williams P. Evans, Ph.D., *Evaluation of a Multi-Faceted, U.S. Community-Based, Muslim-Led CVE Program*, National Criminal Justice Reference Service 8–9 (June 2016), <https://www.ncjrs.gov/pdffiles1/nij/grants/249936.pdf>.

³⁷ *Id.* at 54.

³⁸ Williams et al, *The Critical Role of Friends in Networks for Countering Violent Extremism: Toward a Theory of Vicarious Help-Seeking*, 8 *Behavioral Sciences of Terrorism and Political Aggression* 49–50 (2016), available at <http://www.tandfonline.com/doi/pdf/10.1080/19434472.2015.1101147>.

³⁹ *Inside the Mind of ISIS* at 2 (Hedieh Mirahmadi, President, World Org. for Res. Dev. & Edu. (WORDE)).

⁴⁰ Johnson *supra* note 4, at 1.

⁴¹ Press Release, Dept. of Homeland Sec., Secretary Jeh Johnson on DHS’s New Office for Community Partnerships (Sept. 28, 2015), <https://www.dhs.gov/news/2015/09/28/statement-secretary-jeh-c-johnson-dhs%E2%80%99s-new-office-community-partnerships#>.

Office of Partnerships Against Violent Extremism” (or the “Office”) within DHS. The name of the office clarifies the shared mission of government and civilian CVE providers: to prevent harm by building social cohesion through the development of partnerships between different levels of the government and with community leaders, religious communities, civic groups, and non-profit organizations.

Given the serious nature of the violent extremism threat to the homeland, the bill elevates the head of the Office to an Assistant Secretary position to help ensure that the position has appropriate stature and influence. In an effort to improve the transparency of the Department’s CVE efforts, the Assistant Secretary will develop a strategy and annually report to Congress. Transparency is critical to building the trust necessary to accomplish the Office’s stated purpose of partnering with communities to prevent violent extremism. In addition, the new Office will create a national digital engagement strategy, or a national campaign, to build awareness of threats among communities at risk and better equip them to expose the lies and manipulations of a foreign terrorist organization that hopes to exploit vulnerable individuals for a narrow violent agenda. This is a continuation of the Department’s longstanding efforts to inform communities and state and local law enforcement on common behaviors that could indicate a developing terrorist attack.⁴²

S. 2522 requires the new Office to issue a report that includes an evaluation of the use of Urban Area Security Initiative (UASI) and State Homeland Security Program (SHSP) grants to support community-led CVE efforts and whether such grants are effectively used to counter violent extremism. It also prohibits the award of UASI or SHSP grants to any group that has funded domestic terrorism or international terrorism.

The Office should develop Federal guidance to facilitate the creation of community-led intervention and prevention options, as well as build awareness of those options and the Federal support available. Based on recent lessons learned from current CVE programs, it should develop training curriculum that outlines how to approach a peer who might be radicalizing and develop guidance for when and how a peer should involve third parties.⁴³

This legislation prioritizes CVE partnerships with civil society groups and communities. It also codifies coordination with the Department’s Office of Civil Rights and Civil Liberties whenever the Department engages communities at risk for radicalization and recruitment for violent extremist activities to ensure that the Department’s CVE activities fully respect the privacy, civil rights, and civil liberties of all persons.

As the Committee has learned, “no family is immune from the radicalization threat.”⁴⁴ Therefore, S. 2522 makes clear that com-

⁴²*Homeland Threats and Agency Responses* (citing Hon. Janet Napolitano’s, Secretary, Dept. of Homeland Sec., Responses to Questions for the Record on file with HSGAC staff); *Understanding the Homeland Threat Landscape—Considerations for the 112th Congress: Hearing Before the H. Comm. on Homeland Sec.*, 112th Cong. 5 (2011) (statement of Hon. Janet Napolitano, Secretary, Dept. of Homeland Sec.).

⁴³*Id.*

⁴⁴*Inside the Mind of ISIS* (statements of Lorenzo Vidino, Director, Program on Extremism, The George Washington Univ., and Hedieh Mirahmadi, President, World Org. for Res. Dev. & Edu. (WORDE)) (explaining that approximately 40 percent of those arrested for ISIS-related

munities at risk for radicalization shall not be defined or identified solely by the community’s race, religious affinity, or ethnicity.

III. LEGISLATIVE HISTORY

Ranking Member Tom Carper introduced S. 2522 on February 9, 2016, which was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 2522 at a business meeting on February 10, 2016.

Chairman Ron Johnson offered one amendment in the nature of a substitute. The amendment makes technical changes, strikes language establishing a new CVE grant program, and requires an evaluation of the use and effectiveness of UASI and SHSP grants awarded to community-led CVE efforts. The substitute amendment also provides definitions for the terms “Administrator,” “Assistant Secretary,” “Domestic Terrorism; International Terrorism,” and “Radicalization.” Finally, the substitute amendment prohibits the use of UASI or SHSP grants to support any group that has funded domestic terrorism or international terrorism.

The Committee adopted the amendment and ordered the bill, as amended, reported favorably, both by voice vote. Senators present for both the vote on the amendment and the vote on the bill were: Johnson, McCain, Portman, Paul, Lankford, Ayotte, Ernst, Sasse, Carper, McCaskill, Tester, Baldwin, Heitkamp, Booker, and Peters.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Authorization of the Office for Partnerships Against Violent Extremism of the Department of Homeland Security

Subsection (a) of S. 2522 amends the Homeland Security Act of 2002 and is divided into two further subsections.

Subsection (a) (1) of S. 2522 amends Title XIII of the Homeland Security Act of 2002 by inserting a new section 802, which establishes the Office in DHS.

The new section 802 is divided into seven subsections. These subsections establish the Office and its leadership, define the Office’s responsibilities, require DHS to develop a strategy to counter violent extremism, and impose periodic reporting and review requirements upon the Office.

Subsection (a) defines “Administrator,” “Assistant Secretary,” “countering violent extremism,” “domestic terrorism,” “international terrorism,” “radicalization,” and “violent extremism.”

Subsection (b) establishes the Office. Subsection (c) states that the Secretary shall designate an Assistant Secretary for Partnerships Against Violent Extremism who will report directly to the Secretary. Subsection (d) states that the Secretary shall designate a career Deputy Assistant Secretary for Partnerships Against Violent Extremism, and is authorized to assign or hire permanent staff to the Office.

Subsection (e) describes the responsibilities of the Assistant Secretary for Partnerships Against Violent Extremism. These responsibilities include leading DHS CVE efforts to partner with commu-

crimes in the United States were people who had not grown up practicing Islam, but who were converts); *ISIS in America: From Retweets to Raqqa* at 7 (explaining that 40 percent is a statistically significant number as it is nearly double the percentage within the broader American Muslim population).

nities and civil society groups; ensuring all such activities respect privacy, civil rights, and civil liberties; and assessing methods used by violent extremists to recruit persons and disseminate propaganda. The Office is also responsible for developing a digital engagement strategy; serving as the primary DHS coordinator with other Federal CVE efforts; providing CVE-relevant guidance to the Administrator of the Federal Emergency Management Agency regarding the use of UASI and SHSP grants; and expanding philanthropic support for domestic CVE efforts. The Office may not consider a community to be at risk for radicalization and recruitment solely on the basis of race, religious affiliation, or ethnicity.

Subsection (f) requires the Secretary of DHS to submit, within 90 days of enactment, a comprehensive CVE strategy to the appropriate congressional committees. The strategy shall address DHS's community and digital engagement efforts; interagency cooperation; privacy, civil rights, and civil liberties protections; evaluation metrics; a violent extremism threat assessment; and CVE goals. The strategy shall facilitate oversight and transparency of DHS's research on violent extremism; relevant nondiscrimination policies; community engagement and partnerships; support for non-DHS partners; and the dissemination of training, resources, and threat assessments. Within 90 days of the submission of the strategy described above, the Secretary shall submit to the same committees an implementation plan with an integrated master schedule and cost estimate for included activities and programs.

Subsection (g) requires the Assistant Secretary for Partnerships Against Violent Extremism to submit an annual report of the Department's and the Office's activities to counter violent extremism; a summary of civil rights and civil liberties protections; an evaluation of the use and effectiveness of UASI and SHSP grants to support efforts of local communities in the United States to counter violent extremism; and a description of how the Office has incorporated lessons learned. The first such annual report is due on April 1, 2017.

Subsection (h) requires the Office for Civil Rights and Civil Liberties within DHS to conduct a review of the Office to ensure that privacy, civil rights, and civil liberties are respected. This review shall be made publicly available on the DHS website.

Subsection (a)(2) of S. 2522 amends Title XX of the Homeland Security Act of 2002 to prohibit using UASI and SHSP funds to support any organization or group which has knowingly or recklessly funded domestic terrorism or international terrorism.

Subsection (b) of S. 2522 includes technical and conforming amendments to the table of contents of the Homeland Security Act of 2002.

Subsection (c) of S. 2522 sunsets Subsection (a) (1) of S. 2522 and Subsection (b) of S. 2522.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector

mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MAY 17, 2016.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2522, a bill to amend the Homeland Security Act of 2002 to build partnerships to prevent violence by extremists.

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

Sincerely,

KEITH HALL.

Enclosure.

S. 2522—A bill to amend the Homeland Security Act of 2002 to build partnerships to prevent violence by extremists

S. 2522 would establish an Office for Partnership Against Violent Extremism within the Department of Homeland Security (DHS) to develop and implement a strategy to coordinate efforts throughout all levels of government and private industry to counter violent extremism. CBO estimates that implementing the legislation would have no significant effect on the federal budget over the 2017–2021 period because DHS is already performing those activities under current law.

Enacting S. 2522 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO also estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Under current law, DHS established the Office of Community Partnerships (OCP) in 2015 to counter violent extremism in communities throughout the United States. In fiscal year 2016, \$3 million was provided for OCP and DHS expects to spend similar amounts (\$3.5 million) each year thereafter for OCP's activities. Those activities (which are similar to provisions in the bill) include:

- Forming a task force to coordinate efforts to counter violent extremism with federal and nonfederal partners in communities throughout the United States,
- Providing technical assistance and support to communities to counter violent extremism, and
- Sharing information about the risks of violent extremism in communities, and establishing infrastructure to share lessons learned, best practices, and feedback on the findings of the task force.

S. 2522 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Aurora Swanson. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2522 as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

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Subtitle A—Coordination with Non-Federal Entities

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Sec. 802. Office for Partnerships Against Violent Extremism.

SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM.

(a) *DEFINITIONS.—In this section:*

(1) *ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.*

(2) *ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary for Partnerships Against Violent Extremism designated under subsection (c).*

(3) *COUNTERING VIOLENT EXTREMISM.—The term ‘countering violent extremism’ means proactive and relevant actions to counter recruitment, radicalization, and mobilization to violence and to address the immediate factors that lead to violent extremism and radicalization.*

(4) *DOMESTIC TERRORISM; INTERNATIONAL TERRORISM.—The terms ‘domestic terrorism’ and ‘international terrorism’ have the meanings given those terms in section 2331 of title 18, United States Code.*

(5) *RADICALIZATION.—The term ‘radicalization’ means the process by which an individual chooses to facilitate or commit domestic terrorism or international terrorism.*

(6) *VIOLENT EXTREMISM.—The term ‘violent extremism’ means international or domestic terrorism.*

(b) *ESTABLISHMENT.—There is in the Department an Office for Partnerships Against Violent Extremism.*

(c) *HEAD OF OFFICE.—The Office for Partnerships Against Violent Extremism shall be headed by an Assistant Secretary for Partner-*

ships Against Violent Extremism, who shall be designated by the Secretary and report directly to the Secretary.

(d) *DEPUTY ASSISTANT SECRETARY; ASSIGNMENT OF PERSONNEL.—The Secretary shall—*

(1) designate a career Deputy Assistant Secretary for Partnerships Against Violent Extremism; and

(2) assign or hire, as appropriate, permanent staff to the Office for Partnerships Against Violent Extremism.

(e) *RESPONSIBILITIES.—*

(1) IN GENERAL.—The Assistant Secretary shall be responsible for the following:

(A) Leading the efforts of the Department to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive efforts to counter violent extremism. Such efforts shall include the following:

(i) Partnering with communities to address vulnerabilities that can be exploited by violent extremists in the United States and explore potential remedies for Government and non-government institutions.

(ii) Working with civil society groups and communities to counter violent extremist propaganda, messaging, or recruitment.

(iii) In coordination with the Office for Civil Rights and Civil Liberties of the Department, managing the outreach and engagement efforts of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

(iv) Ensuring relevant information, research, and products inform efforts to counter violent extremism.

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

(I) The Department's plan to leverage new and existing Internet and other technologies and social media platforms to improve non-government efforts to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, and foreign partners engaged in similar counter-messaging efforts.

(II) The Department's countering violent extremism-related engagement efforts.

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

(vi) Coordinating with the Office for Civil Rights and Civil Liberties of the Department to ensure all of the activities of the Department related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all persons.

(vii) In coordination with the Under Secretary for Science and Technology and in consultation with the Under Secretary for Intelligence and Analysis, identi-

fyng and recommending new empirical research and analysis requirements to ensure the dissemination of information and methods for Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement personnel, and non-governmental partners to utilize such research and analysis.

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

(B) Developing a digital engagement strategy that expands the outreach efforts of the Department to counter violent extremist messaging by—

(i) exploring ways to utilize relevant Internet and other technologies and social media platforms; and

(ii) maximizing other resources available to the Department.

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

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

(E) In coordination with the Administrator, 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.

(F) Developing a plan to expand philanthropic support for domestic efforts related to countering violent extremism, including by identifying viable community projects and needs for possible philanthropic support.

(2) COMMUNITIES AT RISK.—For purposes of this subsection, the term ‘communities at risk’ shall not include a community that is determined to be at risk solely on the basis of race, religious affiliation, or ethnicity.

(f) STRATEGY TO COUNTER VIOLENT EXTREMISM IN THE UNITED STATES.—

(1) STRATEGY.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a comprehensive Department strategy to counter violent extremism in the United States.

(2) CONTENTS OF STRATEGY.—The strategy required under paragraph (1) shall, at a minimum, address each of the following:

(A) The Department’s digital engagement effort, 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 from other Federal, State, local, tribal, ter-

ritorial, nongovernmental, and foreign partners engaged in similar counter-messaging activities.

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

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

(D) Ensuring all activities related to countering violent extremism adhere to relevant Department and applicable Department of Justice guidance regarding privacy, civil rights, and civil liberties, including safeguards against discrimination.

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

(F) An analysis of the 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.

(G) Information on the Department's near-term, mid-term, and long-term risk-based goals for countering violent extremism, reflecting the risk analysis conducted under subparagraph (F).

(3) STRATEGIC CONSIDERATIONS.—In drafting the strategy required under paragraph (1), the Secretary shall consider including the following:

(A) Departmental efforts to undertake research to improve the Department's understanding of the risk of violent extremism and to identify ways to improve countering violent extremism activities and programs, including outreach, training, and information sharing programs.

(B) The Department's nondiscrimination policies as they relate to countering violent extremism.

(C) Departmental efforts to help promote community engagement and partnerships to counter violent extremism in furtherance of the strategy.

(D) Departmental efforts to help increase support for programs and initiatives to counter violent extremism of other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners that are in furtherance of the strategy, and which adhere to all relevant constitutional, legal, and privacy protections.

(E) Departmental efforts to disseminate to local law enforcement agencies and the general public information on resources, such as training guidance, workshop reports, and the violent extremist threat, through multiple platforms, including the development of a dedicated webpage, and information regarding the effectiveness of those efforts.

(F) Departmental efforts to use cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism, and information regarding the effectiveness of those efforts.

(G) *Information on oversight mechanisms and protections to ensure that activities and programs undertaken pursuant to the strategy adhere to all relevant constitutional, legal, and privacy protections.*

(H) *Departmental efforts to conduct oversight of all countering violent extremism training and training materials and other resources developed or funded by the Department.*

(I) *Departmental efforts to foster transparency by making, to the extent practicable, all regulations, guidance, documents, policies, and training materials publicly available, including through any webpage developed under subparagraph (E).*

(4) *STRATEGIC IMPLEMENTATION PLAN.—*

(A) *IN GENERAL.—Not later than 90 days after the date on which the Secretary submits the strategy required under paragraph (1), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives an implementation plan for each of the components and offices of the Department with responsibilities under the strategy.*

(B) *CONTENTS.—The implementation plan required under subparagraph (A) shall include an integrated master schedule and cost estimate for activities and programs contained in the implementation plan, with specificity on how each such activity and program aligns with near-term, mid-term, and long-term goals specified in the strategy required under paragraph (1).*

(g) *ANNUAL REPORT.—Not later than April 1, 2017, and annually thereafter, the Assistant Secretary shall submit to Congress an annual report on the Office for Partnerships Against Violent Extremism, which 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.*

(2) *A description of the efforts of the Office for Partnerships Against Violent Extremism to cooperate with and provide assistance to other Federal departments and agencies.*

(3) *Qualitative and quantitative metrics for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies.*

(4) *An accounting of—*

(A) *grants and cooperative agreements awarded by the Department to counter violent extremism; and*

(B) *all training specifically aimed at countering violent extremism sponsored by the Department.*

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

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

(7) *An evaluation of the use of section 2003 and section 2004 grants and cooperative agreements awarded to support efforts of local communities in the United States to counter violent extremism, including information on the effectiveness of such grants and cooperative agreements in countering violent extremism.*

(8) *A description of how the Office for Partnerships Against Violent Extremism incorporated lessons learned from the countering violent extremism programs and policies of foreign, State, local, tribal, and territorial governments and stakeholder communities.*

(h) *ANNUAL REVIEW.—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Office for Civil Rights and Civil Liberties of the Department shall—*

(1) conduct a review of the Office for Partnerships Against Violent Extremism activities to ensure that all of the activities of the Office related to countering violent extremism respect the privacy, civil rights, and civil liberties of all persons; and

(2) make publicly available on the website of the Department a report containing the results of the review conducted under paragraph (1).; and

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TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle A—Grants to States and High-Risk Urban Areas

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SEC. 2008. USE OF FUNDS.

a) * * *

(b) **LIMITATIONS ON USE OF FUNDS.—**

(1) **IN GENERAL.—**Funds provided under section 2003 or 2004 may not be used—

(A) To supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; [or]

(B) For any State or local government cost-sharing contribution[.];or

(C) *to support any organization or group which has knowingly or recklessly funded domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code) or organization or group known to engage in or recruit to such activities, as determined by the Assistant Secretary for Partnerships Against Violent Extremism in consultation with the Admin-*

istrator and the heads of other appropriate Federal departments and agencies.

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