

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S.** \_\_\_\_\_

To amend the Homeland Security Act of 2002 to build partnerships to prevent violence by extremists.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. JOHNSON

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. AUTHORIZATION OF THE OFFICE FOR PART-**  
4 **NERSHIPS AGAINST VIOLENT EXTREMISM OF**  
5 **THE DEPARTMENT OF HOMELAND SECURITY.**

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 101 et seq.) is amended—

8 (1) by inserting after section 801 the following:

9 **“SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT**  
10 **EXTREMISM.**

11 **“(a) DEFINITIONS.—**In this section:

1           “(1) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Federal  
3           Emergency Management Agency.

4           “(2) ASSISTANT SECRETARY.—The term ‘As-  
5           sistant Secretary’ means the Assistant Secretary for  
6           Partnerships Against Violent Extremism designated  
7           under subsection (c).

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

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

19          “(5)           RADICALIZATION.—The           term  
20          ‘radicalization’ means the process by which an indi-  
21          vidual chooses to facilitate or commit domestic ter-  
22          rorism or international terrorism.

23          “(6) VIOLENT EXTREMISM.—The term ‘violent  
24          extremism’ means international or domestic ter-  
25          rorism.

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

3           “(c) HEAD OF OFFICE.—The Office for Partnerships  
4 Against Violent Extremism shall be headed by an Assist-  
5 ant Secretary for Partnerships Against Violent Extre-  
6 mism, who shall be designated by the Secretary and report  
7 directly to the Secretary.

8           “(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT  
9 OF PERSONNEL.—The Secretary shall—

10           “(1) designate a career Deputy Assistant Sec-  
11 retary for Partnerships Against Violent Extremism;  
12 and

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

16           “(e) RESPONSIBILITIES.—

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

19           “(A) Leading the efforts of the Depart-  
20 ment to counter violent extremism across all the  
21 components and offices of the Department that  
22 conduct strategic and supportive efforts to  
23 counter violent extremism. Such efforts shall in-  
24 clude the following:

1           “(i) Partnering with communities to  
2 address vulnerabilities that can be ex-  
3 ploited by violent extremists in the United  
4 States and explore potential remedies for  
5 Government and non-government institu-  
6 tions.

7           “(ii) Working with civil society groups  
8 and communities to counter violent extrem-  
9 ist propaganda, messaging, or recruitment.

10           “(iii) In coordination with the Office  
11 for Civil Rights and Civil Liberties of the  
12 Department, managing the outreach and  
13 engagement efforts of the Department di-  
14 rected toward communities at risk for  
15 radicalization and recruitment for violent  
16 extremist activities.

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

20           “(v) Developing and maintaining De-  
21 partment-wide strategy, plans, policies, and  
22 programs to counter violent extremism.  
23 Such plans shall, at a minimum, address  
24 each of the following:

1                   “(I) The Department’s plan to  
2 leverage new and existing Internet  
3 and other technologies and social  
4 media platforms to improve non-gov-  
5 ernment efforts to counter violent ex-  
6 tremism, as well as the best practices  
7 and lessons learned from other Fed-  
8 eral, State, local, tribal, territorial,  
9 and foreign partners engaged in simi-  
10 lar counter-messaging efforts.

11                   “(II) The Department’s coun-  
12 tering violent extremism-related en-  
13 gagement efforts.

14                   “(III) The use of cooperative  
15 agreements with State, local, tribal,  
16 territorial, and other Federal depart-  
17 ments and agencies responsible for ef-  
18 forts relating to countering violent ex-  
19 tremism.

20                   “(vi) Coordinating with the Office for  
21 Civil Rights and Civil Liberties of the De-  
22 partment to ensure all of the activities of  
23 the Department related to countering vio-  
24 lent extremism fully respect the privacy,

1 civil rights, and civil liberties of all per-  
2 sons.

3 “(vii) In coordination with the Under  
4 Secretary for Science and Technology and  
5 in consultation with the Under Secretary  
6 for Intelligence and Analysis, identifying  
7 and recommending new empirical research  
8 and analysis requirements to ensure the  
9 dissemination of information and methods  
10 for Federal, State, local, tribal, and terri-  
11 torial countering violent extremism practi-  
12 tioners, officials, law enforcement, and  
13 non-governmental partners to utilize such  
14 research and analysis.

15 “(viii) Assessing the methods used by  
16 violent extremists to disseminate propa-  
17 ganda and messaging to communities at  
18 risk for recruitment by violent extremists.

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

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

1                   “(ii) maximizing other resources avail-  
2                   able to the Department.

3                   “(C) Serving as the primary representative  
4                   of the Department in coordinating countering  
5                   violent extremism efforts with other Federal de-  
6                   partments and agencies and non-governmental  
7                   organizations.

8                   “(D) Serving as the primary Department-  
9                   level representative in coordinating with the De-  
10                  partment of State on international countering  
11                  violent extremism issues.

12                  “(E) In coordination with the Adminis-  
13                  trator, providing guidance regarding the use of  
14                  grants made to State, local, and tribal govern-  
15                  ments under sections 2003 and 2004 under the  
16                  allowable uses guidelines related to countering  
17                  violent extremism.

18                  “(F) Developing a plan to expand philan-  
19                  thropic support for domestic efforts related to  
20                  countering violent extremism, including by iden-  
21                  tifying viable community projects and needs for  
22                  possible philanthropic support.

23                  “(2) COMMUNITIES AT RISK.—For purposes of  
24                  this subsection, the term ‘communities at risk’ shall  
25                  not include a community that is determined to be at

1 risk solely on the basis of race, religious affiliation,  
2 or ethnicity.

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

5 “(1) STRATEGY.—Not later than 90 days after  
6 the date of enactment of this section, the Secretary  
7 shall submit to the Committee on Homeland Secu-  
8 rity and Governmental Affairs of the Senate, the  
9 Committee on the Judiciary of the Senate, the Com-  
10 mittee on Homeland Security of the House of Rep-  
11 resentatives, and the Committee on the Judiciary of  
12 the House of Representatives a comprehensive De-  
13 partment strategy to counter violent extremism in  
14 the United States.

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

18 “(A) The Department’s digital engagement  
19 effort, including a plan to leverage new and ex-  
20 isting Internet, digital, and other technologies  
21 and social media platforms to counter violent  
22 extremism, as well as the best practices and les-  
23 sons learned from other Federal, State, local,  
24 tribal, territorial, nongovernmental, and foreign



1 partners engaged in similar counter-messaging  
2 activities.

3 “(B) The Department’s countering violent  
4 extremism-related engagement and outreach ac-  
5 tivities.

6 “(C) The use of cooperative agreements  
7 with State, local, tribal, territorial, and other  
8 Federal departments and agencies responsible  
9 for activities relating to countering violent ex-  
10 tremism.

11 “(D) Ensuring all activities related to  
12 countering violent extremism adhere to relevant  
13 Department and applicable Department of Jus-  
14 tice guidance regarding privacy, civil rights, and  
15 civil liberties, including safeguards against dis-  
16 crimination.

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

21 “(F) An analysis of the homeland security  
22 risk posed by violent extremism based on the  
23 threat environment and empirical data assess-  
24 ing terrorist activities and incidents, and violent

1 extremist propaganda, messaging, or recruit-  
2 ment.

3 “(G) Information on the Department’s  
4 near-term, mid-term, and long-term risk-based  
5 goals for countering violent extremism, reflect-  
6 ing the risk analysis conducted under subpara-  
7 graph (F).

8 “(3) STRATEGIC CONSIDERATIONS.—In draft-  
9 ing the strategy required under paragraph (1), the  
10 Secretary shall consider including the following:

11 “(A) Departmental efforts to undertake re-  
12 search to improve the Department’s under-  
13 standing of the risk of violent extremism and to  
14 identify ways to improve countering violent ex-  
15 tremism activities and programs, including out-  
16 reach, training, and information sharing pro-  
17 grams.

18 “(B) The Department’s nondiscrimination  
19 policies as they relate to countering violent ex-  
20 tremism.

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

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

8           “(E) Departmental efforts to disseminate  
9 to local law enforcement and the general public  
10 information on resources, such as training guid-  
11 ance, workshop reports, and the violent extrem-  
12 ist threat, through multiple platforms, including  
13 the development of a dedicated webpage, and  
14 information regarding the effectiveness of those  
15 efforts.

16           “(F) Departmental efforts to use coopera-  
17 tive agreements with State, local, tribal, terri-  
18 torial, and other Federal departments and  
19 agencies responsible for efforts relating to coun-  
20 tering violent extremism, and information re-  
21 garding the effectiveness of those efforts.

22           “(G) Information on oversight mechanisms  
23 and protections to ensure that activities and  
24 programs undertaken pursuant to the strategy

1           adhere to all relevant constitutional, legal, and  
2           privacy protections.

3           “(H) Departmental efforts to conduct  
4           oversight of all countering violent extremism  
5           training and training materials and other re-  
6           sources developed or funded by the Department.

7           “(I) Departmental efforts to foster trans-  
8           parency by making, to the extent practicable,  
9           all regulations, guidance, documents, policies,  
10          and training materials publicly available, includ-  
11          ing through any webpage developed under sub-  
12          paragraph (F).

13          “(4) STRATEGIC IMPLEMENTATION PLAN.—

14          “(A) IN GENERAL.—Not later than 90  
15          days after the date on which the Secretary sub-  
16          mits the strategy required under paragraph (1),  
17          the Secretary shall submit to the Committee on  
18          Homeland Security and Governmental Affairs  
19          of the Senate, the Committee on the Judiciary  
20          of the Senate, the Committee on Homeland Se-  
21          curity of the House of Representatives, and the  
22          Committee on the Judiciary of the House of  
23          Representatives an implementation plan for  
24          each of the components and offices of the De-

1           partment with responsibilities under the strat-  
2           egy.

3           “(B) CONTENTS.—The implementation  
4           plan required under subparagraph (A) shall in-  
5           clude an integrated master schedule and cost  
6           estimate for activities and programs contained  
7           in the implementation plan, with specificity on  
8           how each such activity and program aligns with  
9           near-term, mid-term, and long-term goals speci-  
10          fied in the strategy required under paragraph  
11          (1).

12          “(g) ANNUAL REPORT.—Not later than April 1,  
13          2017, and annually thereafter, the Assistant Secretary  
14          shall submit to Congress an annual report on the Office  
15          for Partnerships Against Violent Extremism, which shall  
16          include the following:

17                 “(1) A description of the status of the pro-  
18                 grams and policies of the Department for countering  
19                 violent extremism in the United States.

20                 “(2) A description of the efforts of the Office  
21                 for Partnerships Against Violent Extremism to co-  
22                 operate with and provide assistance to other Federal  
23                 departments and agencies.

24                 “(3) Qualitative and quantitative metrics for  
25                 evaluating the success of such programs and policies

1 and the steps taken to evaluate the success of such  
2 programs and policies.

3 “(4) An accounting of—

4 “(A) grants and cooperative agreements  
5 awarded by the Department to counter violent  
6 extremism; and

7 “(B) all training specifically aimed at  
8 countering violent extremism sponsored by the  
9 Department.

10 “(5) An analysis of how the Department’s ac-  
11 tivities to counter violent extremism correspond and  
12 adapt to the threat environment.

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

16 “(7) An evaluation of the use of section 2003  
17 and section 2004 grants and cooperative agreements  
18 awarded to support efforts of local communities in  
19 the United States to counter violent extremism, in-  
20 cluding information on the effectiveness of such  
21 grants and cooperative agreements in countering vio-  
22 lent extremism.

23 “(8) A description of how the Office for Part-  
24 nerships Against Violent Extremism incorporated  
25 lessons learned from the countering violent extre-

1       mism programs and policies of foreign, State, local,  
2       tribal, and territorial governments and stakeholder  
3       communities.

4       “(h) ANNUAL REVIEW.—Not later than 1 year after  
5       the date of enactment of this section, and every year there-  
6       after, the Office for Civil Rights and Civil Liberties of the  
7       Department shall—

8               “(1) conduct a review of the Office for Partner-  
9       ships Against Violent Extremism activities to ensure  
10       that all of the activities of the Office related to coun-  
11       tering violent extremism respect the privacy, civil  
12       rights, and civil liberties of all persons; and

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

16               (2) in section 2008(b)—

17                       (A) in subparagraph (A), by striking “or”  
18                       at the end;

19                       (B) in subparagraph (B), by striking the  
20                       period at the end and inserting “; or”; and

21                       (C) by adding at the end the following:

22                               “(C) to support any organization or group  
23                               which has knowingly or recklessly funded do-  
24                               mestic terrorism or international terrorism (as  
25                               those terms are defined in section 2331 of title

1           18, United States Code) or organization or  
2           group known to engage in or recruit to such ac-  
3           tivities, as determined by the Assistant Sec-  
4           retary for Partnerships Against Violent Extre-  
5           mism in consultation with the Administrator  
6           and the heads of other appropriate Federal de-  
7           partments and agencies.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9           The table of contents in section 1(b) of the Homeland Se-  
10          curity Act of 2002 (6 U.S.C. 101 note) is amended by  
11          inserting after the item relating to section 801 the fol-  
12          lowing:

          “Sec. 802. Office for Partnerships Against Violent Extremism.”.

13          (c) SUNSET.—Effective on the date that is 7 years  
14          after the date of enactment of this Act—

15                 (1) section 802 of the Homeland Security Act  
16                 of 2002, as added by subsection (a), is repealed; and

17                 (2) the table of contents in section 1(b) of the  
18                 Homeland Security Act of 2002 (6 U.S.C. 101 note)  
19                 is amended by striking the item relating to section  
20                 802.