

Union Calendar No. 239

110TH CONGRESS
1ST SESSION

H. R. 1955

[Report No. 110-384, Part I]

To prevent homegrown terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2007

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

OCTOBER 16, 2007

Additional sponsors: Mr. DENT, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. PERLMUTTER, Mr. LANGEVIN, Mr. CARNEY, Mrs. CHRISTENSEN, Ms. CLARKE, Mrs. LOWEY, Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, Ms. ZOE LOFGREN of California, and Mr. POE

OCTOBER 16, 2007

Reported from the Committee on Homeland Security with an amendment

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

OCTOBER 16, 2007

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

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

A BILL

To prevent homegrown terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PREVENTION OF VIOLENT RADICALIZATION AND**
7 **HOMEGROWN TERRORISM.**

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

11 **“Subtitle J—Prevention of Violent**
12 **Radicalization and Homegrown**
13 **Terrorism**

14 **“SEC. 899A. DEFINITIONS.**

15 *“For purposes of this subtitle:*

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

20 *“(2) VIOLENT RADICALIZATION.—The term ‘vio-*
21 *lent radicalization’ means the process of adopting or*
22 *promoting an extremist belief system for the purpose*
23 *of facilitating ideologically based violence to advance*
24 *political, religious, or social change.*

1 “(3) *HOMEGROWN TERRORISM.*—*The term*
2 *‘homegrown terrorism’ means the use, planned use, or*
3 *threatened use, of force or violence by a group or indi-*
4 *vidual born, raised, or based and operating primarily*
5 *within the United States or any possession of the*
6 *United States to intimidate or coerce the United*
7 *States government, the civilian population of the*
8 *United States, or any segment thereof, in furtherance*
9 *of political or social objectives.*

10 “(4) *IDEOLOGICALLY BASED VIOLENCE.*—*The*
11 *term ‘ideologically based violence’ means the use,*
12 *planned use, or threatened use of force or violence by*
13 *a group or individual to promote the group or indi-*
14 *vidual’s political, religious, or social beliefs.*

15 **“SEC. 899B. FINDINGS.**

16 *“The Congress finds the following:*

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

22 “(2) *The promotion of violent radicalization,*
23 *homegrown terrorism, and ideologically based violence*
24 *exists in the United States and poses a threat to*
25 *homeland security.*

1 “(3) *The Internet has aided in facilitating vio-*
2 *lent radicalization, ideologically based violence, and*
3 *the homegrown terrorism process in the United States*
4 *by providing access to broad and constant streams of*
5 *terrorist-related propaganda to United States citizens.*

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

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

15 “(6) *The potential rise of self radicalized, unaf-*
16 *filiated terrorists domestically cannot be easily pre-*
17 *vented through traditional Federal intelligence or law*
18 *enforcement efforts, and requires the incorporation of*
19 *State and local solutions.*

20 “(7) *Individuals prone to violent radicalization,*
21 *homegrown terrorism, and ideologically based violence*
22 *span all races, ethnicities, and religious beliefs, and*
23 *individuals should not be targeted based solely on*
24 *race, ethnicity, or religion.*

1 “(8) *Any measure taken to prevent violent*
2 *radicalization, homegrown terrorism, and ideologi-*
3 *cally based violence and homegrown terrorism in the*
4 *United States should not violate the constitutional*
5 *rights, civil rights and civil liberties of United States*
6 *citizens and lawful permanent residents.*

7 “(9) *Certain governments, including the United*
8 *Kingdom, Canada, and Australia have significant ex-*
9 *perience with homegrown terrorism and the United*
10 *States can benefit from lessons learned by those na-*
11 *tions.*

12 **“SEC. 899C. NATIONAL COMMISSION ON THE PREVENTION**
13 **OF VIOLENT RADICALIZATION AND IDEO-**
14 **LOGICALLY BASED VIOLENCE.**

15 “(a) *ESTABLISHMENT.*—*There is established within*
16 *the legislative branch of the Government the National Com-*
17 *mission on the Prevention of Violent Radicalization and*
18 *Homegrown Terrorism.*

19 “(b) *PURPOSE.*—*The purposes of the Commission are*
20 *the following:*

21 “(1) *Examine and report upon the facts and*
22 *causes of violent radicalization, homegrown terrorism,*
23 *and ideologically based violence in the United States,*
24 *including United States connections to non-United*
25 *States persons and networks, violent radicalization,*

1 *homegrown terrorism, and ideologically based violence*
2 *in prison, individual or ‘lone wolf’ violent*
3 *radicalization, homegrown terrorism, and ideologi-*
4 *cally based violence, and other faces of the phenomena*
5 *of violent radicalization, homegrown terrorism, and*
6 *ideologically based violence that the Commission con-*
7 *siders important.*

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

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

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

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

23 “(c) *COMPOSITION OF COMMISSION.—The Commission*
24 *shall be composed of 10 members appointed for the life of*
25 *the Commission, of whom—*

1 “(1) one member shall be appointed by the Presi-
2 dent from among officers or employees of the executive
3 branch and private citizens of the United States;

4 “(2) one member shall be appointed by the Sec-
5 retary;

6 “(3) one member shall be appointed by the ma-
7 jority leader of the Senate;

8 “(4) one member shall be appointed by the mi-
9 nority leader of the Senate;

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

12 “(6) one member shall be appointed by the mi-
13 nority leader of the House of Representatives;

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

17 “(8) one member shall be appointed by the rank-
18 ing minority member of the Committee on Homeland
19 Security of the House of Representatives;

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

23 “(10) one member shall be appointed by the
24 ranking minority member of the Committee on Home-

1 *land Security and Governmental Affairs of the Sen-*
2 *ate.*

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

5 “(e) *QUALIFICATIONS.*—*Individuals shall be selected*
6 *for appointment to the Commission solely on the basis of*
7 *their professional qualifications, achievements, public stat-*
8 *ure, experience, and expertise in relevant fields, including,*
9 *but not limited to, behavioral science, constitutional law,*
10 *corrections, counterterrorism, cultural anthropology, edu-*
11 *cation, information technology, intelligence, juvenile justice,*
12 *local law enforcement, organized crime, Islam and other*
13 *world religions, sociology, or terrorism.*

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

17 “(g) *QUORUM AND MEETINGS.*—*The Commission shall*
18 *meet and begin the operations of the Commission not later*
19 *than 30 days after the date on which all members have been*
20 *appointed or, if such meeting cannot be mutually agreed*
21 *upon, on a date designated by the Speaker of the House*
22 *of Representatives. Each subsequent meeting shall occur*
23 *upon the call of the Chair or a majority of its members.*
24 *A majority of the members of the Commission shall con-*
25 *stitute a quorum, but a lesser number may hold meetings.*

1 “(h) *AUTHORITY OF INDIVIDUALS TO ACT FOR COM-*
2 *MISSION.*—*Any member of the Commission may, if author-*
3 *ized by the Commission, take any action that the Commis-*
4 *sion is authorized to take under this Act.*

5 “(i) *POWERS OF COMMISSION.*—*The powers of the*
6 *Commission shall be as follows:*

7 “(1) *IN GENERAL.*—

8 “(A) *HEARINGS AND EVIDENCE.*—*The Com-*
9 *mission or, on the authority of the Commission,*
10 *any subcommittee or member thereof, may, for*
11 *the purpose of carrying out this section, hold*
12 *hearings and sit and act at such times and*
13 *places, take such testimony, receive such evi-*
14 *dence, and administer such oaths as the Commis-*
15 *sion considers advisable to carry out its duties.*

16 “(B) *CONTRACTING.*—*The Commission*
17 *may, to such extent and in such amounts as are*
18 *provided in appropriation Acts, enter into con-*
19 *tracts to enable the Commission to discharge its*
20 *duties under this section.*

21 “(2) *INFORMATION FROM FEDERAL AGENCIES.*—

22 “(A) *IN GENERAL.*—*The Commission may*
23 *secure directly from any executive department,*
24 *bureau, agency, board, commission, office, inde-*
25 *pendent establishment, or instrumentality of the*

1 *Government, information, suggestions, estimates,*
2 *and statistics for the purposes of this section.*
3 *The head of each such department, bureau, agen-*
4 *cy, board, commission, office, independent estab-*
5 *lishment, or instrumentality shall, to the extent*
6 *authorized by law, furnish such information,*
7 *suggestions, estimates, and statistics directly to*
8 *the Commission, upon request made by the Chair*
9 *of the Commission, by the chair of any sub-*
10 *committee created by a majority of the Commis-*
11 *sion, or by any member designated by a major-*
12 *ity of the Commission.*

13 “(B) *RECEIPT, HANDLING, STORAGE, AND*
14 *DISSEMINATION.*—*Information shall only be re-*
15 *ceived, handled, stored, and disseminated by*
16 *members of the Commission and its staff con-*
17 *sistent with all applicable statutes, regulations,*
18 *and Executive orders.*

19 “(j) *ASSISTANCE FROM FEDERAL AGENCIES.*—

20 “(1) *GENERAL SERVICES ADMINISTRATION.*—*The*
21 *Administrator of General Services shall provide to the*
22 *Commission on a reimbursable basis administrative*
23 *support and other services for the performance of the*
24 *Commission’s functions.*

1 “(2) *OTHER DEPARTMENTS AND AGENCIES.*—*In*
2 *addition to the assistance required under paragraph*
3 *(1), departments and agencies of the United States*
4 *may provide to the Commission such services, funds,*
5 *facilities, and staff as they may determine advisable*
6 *and as may be authorized by law.*

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

11 “(l) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
12 *MITTEE ACT.*—*The Federal Advisory Committee Act (5*
13 *U.S.C. App.) shall not apply to the Commission.*

14 “(m) *PUBLIC MEETINGS.*—

15 “(1) *IN GENERAL.*—*The Commission shall hold*
16 *public hearings and meetings to the extent appro-*
17 *priate.*

18 “(2) *PROTECTION OF INFORMATION.*—*Any public*
19 *hearings of the Commission shall be conducted in a*
20 *manner consistent with the protection of information*
21 *provided to or developed for or by the Commission as*
22 *required by any applicable statute, regulation, or Ex-*
23 *ecutive order.*

24 “(n) *STAFF OF COMMISSION.*—

1 “(1) *APPOINTMENT AND COMPENSATION.*—*The*
2 *Chair of the Commission, in consultation with the*
3 *Vice Chair and in accordance with rules adopted by*
4 *the Commission, may appoint and fix the compensa-*
5 *tion of a staff director and such other personnel as*
6 *may be necessary to enable the Commission to carry*
7 *out its functions, without regard to the provisions of*
8 *title 5, United States Code, governing appointments*
9 *in the competitive service, and without regard to the*
10 *provisions of chapter 51 and subchapter III of chap-*
11 *ter 53 of such title relating to classification and Gen-*
12 *eral Schedule pay rates, except that no rate of pay*
13 *fixed under this subsection may exceed the maximum*
14 *rate of pay for GS–15 under the General Schedule.*

15 “(2) *STAFF EXPERTISE.*—*Individuals shall be se-*
16 *lected for appointment as staff of the Commission on*
17 *the basis of their expertise in one or more of the fields*
18 *referred to in subsection (e).*

19 “(3) *PERSONNEL AS FEDERAL EMPLOYEES.*—

20 “(A) *IN GENERAL.*—*The executive director*
21 *and any employees of the Commission shall be*
22 *employees under section 2105 of title 5, United*
23 *States Code, for purposes of chapters 63, 81, 83,*
24 *84, 85, 87, 89, and 90 of that title.*

1 “(B) *MEMBERS OF COMMISSION.*—Subpara-
2 *graph (A) shall not be construed to apply to*
3 *members of the Commission.*

4 “(4) *DETAILEES.*—*Any Federal Government em-*
5 *ployee may be detailed to the Commission without re-*
6 *imbursement from the Commission, and during such*
7 *detail shall retain the rights, status, and privileges of*
8 *his or her regular employment without interruption.*

9 “(5) *CONSULTANT SERVICES.*—*The Commission*
10 *may procure the services of experts and consultants in*
11 *accordance with section 3109 of title 5, United States*
12 *Code, but at rates not to exceed the daily rate paid*
13 *a person occupying a position at level IV of the Exec-*
14 *utive Schedule under section 5315 of title 5, United*
15 *States Code.*

16 “(6) *EMPHASIS ON SECURITY CLEARANCES.*—*The*
17 *Commission shall make it a priority to hire as em-*
18 *ployees and retain as contractors and detailees indi-*
19 *viduals otherwise authorized by this section who have*
20 *active security clearances.*

21 “(o) *COMMISSION PERSONNEL MATTERS.*—

22 “(1) *COMPENSATION OF MEMBERS.*—*Each mem-*
23 *ber of the Commission who is not an employee of the*
24 *government shall be compensated at a rate not to ex-*
25 *ceed the daily equivalent of the annual rate of basic*

1 *pay in effect for a position at level IV of the Execu-*
2 *tive Schedule under section 5315 of title 5, United*
3 *States Code, for each day during which that member*
4 *is engaged in the actual performance of the duties of*
5 *the Commission.*

6 “(2) *TRAVEL EXPENSES.*—*While away from*
7 *their homes or regular places of business in the per-*
8 *formance of services for the Commission, members of*
9 *the Commission shall be allowed travel expenses, in-*
10 *cluding per diem in lieu of subsistence, at rates au-*
11 *thorized for employees of agencies under subchapter I*
12 *of chapter 57 of title 5, United States Code, while*
13 *away from their homes or regular places of business*
14 *in the performance of services for the Commission.*

15 “(3) *TRAVEL ON ARMED FORCES CONVEY-*
16 *ANCES.*—*Members and personnel of the Commission*
17 *may travel on aircraft, vehicles, or other conveyances*
18 *of the Armed Forces of the United States when such*
19 *travel is necessary in the performance of a duty of the*
20 *Commission, unless the cost of commercial transpor-*
21 *tation is less expensive.*

22 “(4) *TREATMENT OF SERVICE FOR PURPOSES OF*
23 *RETIREMENT BENEFITS.*—*A member of the Commis-*
24 *sion who is an annuitant otherwise covered by section*
25 *8344 or 8468 of title 5, United States Code, by reason*

1 *of membership on the Commission shall not be subject*
2 *to the provisions of such section with respect to mem-*
3 *bership on the Commission.*

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

10 “(p) *SECURITY CLEARANCES.*—*The heads of appro-*
11 *priate departments and agencies of the executive branch*
12 *shall cooperate with the Commission to expeditiously pro-*
13 *vide Commission members and staff with appropriate secu-*
14 *rity clearances to the extent possible under applicable proce-*
15 *dures and requirements.*

16 “(q) *REPORTS.*—

17 “(1) *FINAL REPORT.*—*Not later than 18 months*
18 *after the date on which the Commission first meets,*
19 *the Commission shall submit to the President and*
20 *Congress a final report of its findings and conclu-*
21 *sions, legislative recommendations for immediate and*
22 *long-term countermeasures to violent radicalization,*
23 *homegrown terrorism, and ideologically based vio-*
24 *lence, and measures that can be taken to prevent vio-*
25 *lent radicalization, homegrown terrorism, and ideo-*

1 *logically based violence from developing and spread-*
2 *ing within the United States, and any final rec-*
3 *ommendations for any additional grant programs to*
4 *support these purposes. The report may also be ac-*
5 *companied by a classified annex.*

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

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

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

14 “(ii) *its recommendations on the feasi-*
15 *bility of a grant program established and*
16 *administered by the Secretary for the pur-*
17 *pose of preventing, disrupting, and miti-*
18 *gating the effects of violent radicalization,*
19 *homegrown terrorism, and ideologically*
20 *based violence and, if such a program is*
21 *feasible, recommendations on how grant*
22 *funds should be used and administered; and*

23 “(B) *by not later than 6 months after the*
24 *date on which the Commission submits the in-*

1 *been previously established for selecting and supporting*
2 *University Programs Centers of Excellence. The Center*
3 *shall assist Federal, State, local and tribal homeland secu-*
4 *rity officials through training, education, and research in*
5 *preventing violent radicalization and homegrown terrorism*
6 *in the United States. In carrying out this section, the Sec-*
7 *retary may choose to either create a new Center designed*
8 *exclusively for the purpose stated herein or identify and ex-*
9 *pand an existing Department of Homeland Security Center*
10 *of Excellence so that a working group is exclusively des-*
11 *ignated within the existing Center of Excellence to achieve*
12 *the purpose set forth in subsection (b).*

13 “(b) *PURPOSE.*—*It shall be the purpose of the Center*
14 *to study the social, criminal, political, psychological, and*
15 *economic roots of violent radicalization and homegrown ter-*
16 *rorism in the United States and methods that can be uti-*
17 *lized by Federal, State, local, and tribal homeland security*
18 *officials to mitigate violent radicalization and homegrown*
19 *terrorism.*

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

22 “(1) *contribute to the establishment of training,*
23 *written materials, information, analytical assistance*
24 *and professional resources to aid in combating violent*
25 *radicalization and homegrown terrorism;*

1 “(2) utilize theories, methods and data from the
2 social and behavioral sciences to better understand the
3 origins, dynamics, and social and psychological as-
4 pects of violent radicalization and homegrown ter-
5 rorism;

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

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

12 **“SEC. 899E. PREVENTING VIOLENT RADICALIZATION AND**
13 **HOMEGROWN TERRORISM THROUGH INTER-**
14 **NATIONAL COOPERATIVE EFFORTS.**

15 “(a) *INTERNATIONAL EFFORT.*—*The Secretary shall,*
16 *in cooperation with the Department of State and other Fed-*
17 *eral Government entities, as appropriate, conduct a survey*
18 *of methodologies implemented by foreign nations to prevent*
19 *violent radicalization and homegrown terrorism in their re-*
20 *spective nations.*

21 “(b) *IMPLEMENTATION.*—*To the extent that methodolo-*
22 *gies are permissible under the Constitution, the Secretary*
23 *shall use the results of the survey as an aid in developing*
24 *a national policy in the United States on addressing*
25 *radicalization and homegrown terrorism.*

1 “(c) *REPORTS TO CONGRESS.*—*The Secretary shall*
2 *submit a report to Congress that provides—*

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

5 “(2) *a description of lessons learned from the re-*
6 *sults of the survey and recommendations implemented*
7 *through this international outreach.*

8 **“SEC. 899F. PROTECTING CIVIL RIGHTS AND CIVIL LIB-**
9 **ERTIES WHILE PREVENTING IDEOLOGICALLY**
10 **BASED VIOLENCE AND HOMEGROWN TER-**
11 **RORISM.**

12 “(a) *IN GENERAL.*—*The Department of Homeland Se-*
13 *curity’s efforts to prevent ideologically based violence and*
14 *homegrown terrorism as described herein shall not violate*
15 *the constitutional rights, civil rights, and civil liberties of*
16 *United States citizens and lawful permanent residents.*

17 “(b) *COMMITMENT TO RACIAL NEUTRALITY.*—*The Sec-*
18 *retary shall ensure that the activities and operations of the*
19 *entities created by this subtitle are in compliance with the*
20 *Department of Homeland Security’s commitment to racial*
21 *neutrality.*

22 “(c) *AUDITING MECHANISM.*—*The Civil Rights and*
23 *Civil Liberties Officer of the Department of Homeland Se-*
24 *curity will develop and implement an auditing mechanism*
25 *to ensure that compliance with this subtitle does not result*

1 *in a disproportionate impact, without a rational basis, on*
2 *any particular race, ethnicity, or religion and include the*
3 *results of its audit in its annual report to Congress required*
4 *under section 705.”.*

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

“Subtitle J—Prevention of Violent Radicalization and Homegrown Terrorism

“Sec. 899A. Definitions.

“Sec. 899B. Findings.

*“Sec. 899C. National Commission on the Prevention of Violent Radicalization
and Ideologically Based Violence.*

*“Sec. 899D. Center of Excellence for the Study of Violent Radicalization and
Homegrown Terrorism in the United States.*

*“Sec. 899E. Preventing violent radicalization and homegrown terrorism through
international cooperative efforts.*

*“Sec. 899F. Protecting civil rights and civil liberties while preventing ideologi-
cally based violence and homegrown terrorism.”.*

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