

H.R. 5611 – Homeland Safety and Security Act (McCarthy)

Section 1. Short Title.

Section 2. Authorization of the Office for Partnerships to Prevent Terrorism of the Department of Homeland Security (McCaul).

Subsection (a) – Findings details why radical Islamist terrorist networks are the preeminent terrorist threat to the United States Homeland.

Subsection (b) – Authorization amends Title I of the Homeland Security Act of 2002 by adding “Sec. 104. Office for **Partnerships to Prevent Terrorism.**” This section is broken down as follows:

Sec. 104. Subsection (a) – Establishment creates an Office for **Partnerships to Prevent Terrorism (OPPT)** in the Department of Homeland Security (DHS). The head of the Department will be called “The Assistant Secretary for **Partnerships to Prevent Terrorism**” (the Assistant Secretary) and will be appointed by the Secretary of Homeland Security. The Secretary will also appoint a career Deputy Assistant Secretary for **Partnerships to Prevent Terrorism.**

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

Subsection (c) – Support requires the Secretary to appoint liaisons from each appropriate component and office within

the Department to support the OPPT, including at a minimum U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, the Office of Privacy, the National Protection and Programs Directorate, the Office of Civil Rights and Civil Liberties, the U.S. Secret Service, and the Science and Technology Directorate.

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

This includes coordination on **A)** identifying risk factors and potential remedies for radical Islamist terrorism; **B)** identifying populations targeted by radical Islamist terrorist propaganda, messaging, or recruitment; **C)** managing DHS outreach to these at-risk populations; **D)** ensuring relevant and empirically valid research and products inform countering radical Islamist terrorism efforts; **E)** identifying areas for radical Islamist terrorism research and ensure information is distributed to Federal, local state violent extremism officials and law enforcement; and **F)** assessing methods used by radical Islamist terrorism to disseminate propaganda and messaging to those communities at risk for radicalization.

In addition, the Assistant Secretary is required to establish a counter-messaging program using the internet, relevant social media platforms, and other resources.

Subsection (e) – Memorandum of Understanding requires the Assistant Secretary to enter into a memorandum of understanding with the FEMA Administrator regarding related grants. This section intends to provide clarity on the roles of the Assistant Secretary and the Administrator in the

evaluation of grant applications and the awarding of grants.

Subsection (f) – Grant Program will be established for eligible communities and organizations to help them create counter-messaging campaigns. This program will be coordinated by the Assistant PPT Secretary, FEMA Administrator, and CRCL Officer, who all must provide both the House and Senate Homeland Security Committees with an implementation plan for the grant program 90 days after the section’s enactment. An organization or community group is ineligible for a grant if it has funded or engaged in radical Islamist terrorism activities.

Subsection (g) – Strategy to Counter Radical Islamist Terrorism in the United States must be submitted to the House and Senate Homeland Security Committees 90 days after the enactment of this section including eligibility and application criteria, methodology for awarding of grants, and a plan to monitor and evaluate grant applications and awards. The strategy should address the following:

- 1) the Department’s counter-messaging program, best practices and lessons learned; related outreach activities; cooperative agreements with relevant state, local and federal Countering Violent Extremism (CVE) agencies; relating activities to DHS and Department of Justice (DOJ) guidelines with qualitative and quantitative metrics used to evaluate the Department’s countering radical Islamist terrorism policies and programs; metrics to evaluate the Department’s countering radical Islamist terrorism programs; an analysis of risks radical Islamist terrorism pose to the homeland; and the Department’s near, mid, and long-term countering radical Islamist terrorism goals.

Additionally the Secretary shall consider the following when drafting the strategy: **A)** ways to improve countering radical Islamist terrorism efforts; **B)** utilizing social media

to counter radical Islamist terrorism propaganda, **C)** the Department's nondiscrimination policies as they relate to countering radical Islamist terrorism; **D)** efforts to enhance community partnerships and engagement, **E)** ways to increase support for countering radical Islamist terrorism programs, **F)** strategies for disseminating resources to the public such as training guidelines; **G)** information regarding the effectiveness of Departmental efforts to use cooperative agreements with state, local and federal departments; **H)** oversight mechanisms to ensure all programs and activities adhere to constitutional, legal, and privacy protections, **I)** efforts by the Department to conduct oversight on countering radical Islamist terrorism training and training materials; **J)** and Department efforts to foster transparency by making documents, policies and training manuals available to the public.

The strategy submitted to both Congressional committees must include an integrated master schedule and cost estimate for programs and activities mentioned in the plan, with specific details as to how the programs and activities align with near, mid and long-term goals specified in the strategy.

Subsection (h) – Annual Report requires the Assistant Secretary to submit an annual report to Congress and outlines five topics for the report to address. These include:

- 1) a description of the status of DHS countering radical Islamist terrorism-related programs and policies and the Department's budget and personnel dedicated to countering radical Islamist terrorism (including those dedicated to countering radical Islamist terrorism full- and part-time);
- 2) a description of how the OPPT is working with other departments and agencies;
- 3) quantitative and qualitative outcome-based metrics for

evaluating the success of countering radical Islamist terrorism programs within the Office and details on how these programs are evaluated;

4) a detailed summary of NGOs with which DHS conducted outreach or to which DHS awarded countering radical Islamist terrorism-related grants; an account of how those grants were spent; a list of all countering radical Islamist terrorism-related trainings sponsored by DHS;

5) details of the optimal level of personnel and funding for the Office;

6) an analysis of how the Department's countering radical Islamist terrorism activities correspond and adapt to the threat environment; and

7) a detailed summary of how civil rights and civil liberties are protected in the Department's countering radical Islamist terrorism efforts.

8) an evaluation of the grant program, including its effectiveness.

9) a description of how the Office incorporated lessons learned from countering radical Islamist terrorism programs and policies belonging to other departments and agencies.

In keeping with similar reporting requirements, this provision expires after five years.

Subsection (i) – Violent Extremist Activities Defined defines the term “violent extremist activities,” which for the purpose of this bill means “ideologically motivated international terrorism or domestic terrorism as such terms are defined in section 2331 of title 18 . . .”

Subsection (j) – Authorization of Funding (1) OPPT: \$4 million of the funds made available to the Office of the Secretary is authorized for the OPPT for each of fiscal years 2017 through 2021. (2) Grant Program: of the funds available for emergent threats from radical Islamist terrorism, \$10 million is authorized until September 30, 2017 for the grant program under subsection (f).

Subsection (k) – Sunset will commence five years after the date of enactment.

Subsection (l) – Nothing in this section should be construed to limit any civil liberties or rights under the Constitution of any person.

Subsection (c) – Study Relating to Radicalization and Islamist Terrorism requires that the Secretary issue a request for a proposal for a 2-year peer-reviewed longitudinal study to help DHS in developing a more thorough understanding of radicalization that leads to radical Islamist terrorism no more than 120 days following the enactment of this Act.

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

Section 3. Exercise on Terrorist and Foreign Fighter Travel.

Subsection (a) – Requires the Secretary of Homeland Security to develop and conduct an exercise related to the terrorist and foreign fighter threat no later than one year after the date of enactment of this act in order to enhance domestic preparedness, promote dissemination of homeland security information and test the security posture of the United States.

Subsection (b) – The exercise shall include a scenario involving persons traveling from the United States to provide material

support or resources to a terrorist organization abroad and terrorist infiltration into the United States.

Subsection (c) – Not later than 60 days after completion of the exercise, the Secretary of Homeland Security shall submit an after-action report to the relevant House and Senate committees to present initial findings and vulnerabilities in United States defenses and any legislative changes requested in light of the findings.

Subsection (d) – No additional funds are authorized to carry out this section.

Section 4. Emerging Threats in the National Exercise Program.

Amends subparagraph (A) of section 648 (b)(2) of the Post Katrina Emergency Management Reform Act of 2006 to include exercises addressing emerging terrorist threats.

Section 5. Granting the Attorney General the Authority to Deny the Sale, Delivery, or Transfer of Firearms or Explosives to Known or Suspected Terrorists

Subsection (a) – Requires that the Attorney General be notified when an individual who is being or has been in the past 5 years investigated as a known or suspected terrorist attempts to purchase a firearm or explosive, and that the Attorney General notifies the relevant Federal, State, and local law enforcement and intelligence agencies. Upon notification, grants the Attorney General or U.S. attorney authority to delay for no more than 3 business days the transfer of the firearm or explosive to an individual currently being investigated as a known or suspected terrorist. In that time period, grants the Attorney General or U.S. attorney the authority to file an emergency petition to prohibit the transfer, which should receive priority on the court docket. The emergency petition shall be granted if the court finds that there is probable cause to believe that the transferee will commit an act of terrorism or that the individual

is otherwise prohibited under current law from possessing a gun.

Subsection (b) – Clarifies that if there is probable cause to believe that the person has already committed, conspired to commit, or attempted to commit an act of terrorism, the individual may be arrested or detained in accordance with current law.

Section 6. Annual Review of Terrorist Screening Database

Requires the FBI director to annually review the terrorist screening database to ensure it includes appropriate identifications.

Section 7. Denial, Limitation, and Revocation of Passports and Passport Cards to Individuals Affiliated with Foreign Terrorist Organizations (Poe)

Subsection (a) – Prohibits the Secretary of State from issuing a passport or passport card to any individual whom the Secretary has determined: (A) is a member of or otherwise affiliated with an organization designated as a foreign terrorist organization (8 U.S.C. Sec. 219); or (B) has aided, abetted, or provided material support to such an organization. Further, the Secretary is required to revoke the passports of individuals in either category.

Subsection (b) – Exceptions to this requirement are allowed in emergency circumstances for humanitarian reasons, law enforcement purposes, or for one-way return travel.

Subsection (c) – Any person who is denied issuance of a passport or whose passport is revoked may request a hearing not later than 60 days after receiving notice of action.

Subsection (d) – Emergency exceptions must be reported to Congress no later than 30 days after such action.

