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To authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARDIN, Mr. COONS, Ms. DUCKWORTH, Ms. HARRIS, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mr. WHITEHOUSE, Mr. SANDERS, Mr. SCHATZ, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domestic Terrorism
3 Prevention Act of 2019”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) White supremacists and other far-right-wing
7 extremists are the most significant domestic ter-
8 rorism threat facing the United States.

9 (2) On February 22, 2019, a Trump Adminis-
10 tration United States Department of Justice official
11 wrote in a New York Times op-ed that “white su-
12 premacy and far-right extremism are among the
13 greatest domestic-security threats facing the United
14 States. Regrettably, over the past 25 years, law en-
15 forcement, at both the Federal and State levels, has
16 been slow to respond. . . . Killings committed by in-
17 dividuals and groups associated with far-right ex-
18 tremist groups have risen significantly.”.

19 (3) An April 2017 Government Accountability
20 Office report on the significant, lethal threat posed
21 by domestic violent extremists explained that
22 “[s]ince September 12, 2001, the number of fatali-
23 ties caused by domestic violent extremists has
24 ranged from 1 to 49 in a given year.” The report
25 noted: “[F]atalities resulting from attacks by far
26 right wing violent extremists have exceeded those

1 caused by radical Islamist violent extremists in 10 of
2 the 15 years, and were the same in 3 of the years
3 since September 12, 2001. Of the 85 violent extrem-
4 ist incidents that resulted in death since September
5 12, 2001, far right wing violent extremist groups
6 were responsible for 62 (73 percent) while radical
7 Islamist violent extremists were responsible for 23
8 (27 percent).”.

9 (4) An unclassified May 2017 joint intelligence
10 bulletin from the Federal Bureau of Investigation
11 and the Department of Homeland Security found
12 that “white supremacist extremism poses [a] per-
13 sistent threat of lethal violence,” and that White su-
14 premacists “were responsible for 49 homicides in 26
15 attacks from 2000 to 2016 . . . more than any
16 other domestic extremist movement”.

17 (5) Fatal terrorist attacks by far-right-wing ex-
18 tremists include—

19 (A) the August 5, 2012, mass shooting at
20 a Sikh gurdwara in Oak Creek, Wisconsin, in
21 which a White supremacist shot and killed 6
22 members of the gurdwara;

23 (B) the April 13, 2014, mass shooting at
24 a Jewish community center and a Jewish as-
25 sisted living facility in Overland Park, Kansas,

1 in which a neo-Nazi shot and killed 3 civilians,
2 including a 14-year-old teenager;

3 (C) the June 8, 2014, ambush in Las
4 Vegas, Nevada, in which 2 supporters of the
5 far-right-wing “patriot” movement shot and
6 killed 2 police officers and a civilian;

7 (D) the June 17, 2015, mass shooting at
8 the Emanuel AME Church in Charleston, South
9 Carolina, in which a White supremacist shot
10 and killed 9 members of the church;

11 (E) the November 27, 2015, mass shooting
12 at a Planned Parenthood clinic in Colorado
13 Springs, Colorado, in which an anti-abortion ex-
14 tremist shot and killed a police officer and 2 ci-
15 vilians;

16 (F) the March 20, 2017, murder of an Af-
17 rican-American man in New York City, alleg-
18 edly committed by a White supremacist who re-
19 portedly traveled to New York “for the purpose
20 of killing black men”;

21 (G) the May 26, 2017, attack in Portland,
22 Oregon, in which a White supremacist allegedly
23 murdered 2 men and injured a third after the
24 men defended 2 young women whom the indi-

1 vidual had targeted with anti-Muslim hate
2 speech;

3 (H) the August 12, 2017, attack in Char-
4 lottesville, Virginia, in which a White suprema-
5 cist killed one and injured nineteen after driv-
6 ing his car through a crowd of individuals pro-
7 testing a neo-Nazi rally, and of which former
8 Attorney General Jeff Sessions said, “It does
9 meet the definition of domestic terrorism in our
10 statute.”;

11 (I) the July 2018 murder of an African-
12 American woman from Kansas City, Missouri,
13 allegedly committed by a White supremacist
14 who reportedly bragged about being a member
15 of the Ku Klux Klan;

16 (J) the October 24, 2018, shooting in
17 Jeffersontown, Kentucky, in which a White
18 man allegedly murdered 2 African Americans at
19 a grocery store after first attempting to enter
20 a church with a predominantly African-Amer-
21 ican congregation during a service; and

22 (K) the October 27, 2018, mass shooting
23 at the Tree of Life Synagogue in Pittsburgh,
24 Pennsylvania, in which a White nationalist al-

1 legedly shot and killed 11 members of the con-
2 gregation.

3 (6) In November 2018, the Federal Bureau of
4 Investigation released its annual hate crime incident
5 report, which found that in 2017, hate crimes in-
6 creased by approximately 17 percent, including a 23-
7 percent increase in religion-based hate crimes, an
8 18-percent increase in race-based crimes, and a 5-
9 percent increase in crimes directed against LGBT
10 individuals. The total number of reported hate
11 crimes rose for the third consecutive year. The pre-
12 vious year's report found that in 2016, hate crimes
13 increased by almost 5 percent, including a 19-per-
14 cent rise in hate crimes against American Muslims;
15 additionally, of the hate crimes motivated by reli-
16 gious bias in 2016, 53 percent were anti-Semitic.
17 Similarly, the report analyzing 2015 data found that
18 hate crimes increased by 6 percent that year. Much
19 of the 2015 increase came from a 66-percent rise in
20 attacks on American Muslims and a 9-percent rise
21 in attacks on American Jews. In all three reports,
22 race-based crimes were most numerous, and those
23 crimes most often targeted African Americans.

24 (7) On March 15, 2019, a White nationalist
25 was arrested and charged with murder after alleg-

1 edly killing 50 Muslim worshippers and injuring
2 more than 40 in a massacre at the Al Noor Mosque
3 and Linwood Mosque in Christchurch, New Zealand.
4 The alleged shooter posted a hate-filled, xenophobic
5 manifesto that detailed his White nationalist ide-
6 ology before the massacre. Prime Minister Jacinda
7 Ardern labeled the massacre a terrorist attack.

8 (8) In January 2017, a right-wing extremist
9 who had expressed anti-Muslim views was charged
10 with murder for allegedly killing 6 people and injur-
11 ing 19 in a shooting rampage at a mosque in Quebec
12 City, Canada. It was the first-ever mass shooting at
13 a mosque in North America, and Prime Minister
14 Trudeau labeled it a terrorist attack.

15 (9) On February 15, 2019, Federal authorities
16 arrested U.S. Coast Guard Lieutenant Christopher
17 Paul Hasson, who was allegedly planning to kill a
18 number of prominent journalists, professors, judges,
19 and “leftists in general”. In court filings, prosecu-
20 tors described Lieutenant Hasson as a “domestic
21 terrorist” who in an email “identified himself as a
22 White Nationalist for over 30 years and advocated
23 for ‘focused violence’ in order to establish a white
24 homeland.”.

1 **SEC. 3. DEFINITIONS.**

2 In this Act—

3 (1) the term “Director” means the Director of
4 the Federal Bureau of Investigation;

5 (2) the term “domestic terrorism” has the
6 meaning given the term in section 2331 of title 18,
7 United States Code, except that it does not include
8 acts perpetrated by individuals associated with or in-
9 spired by—

10 (A) a foreign person or organization des-
11 ignated as a foreign terrorist organization
12 under section 219 of the Immigration and Na-
13 tionality Act (8 U.S.C. 1189);

14 (B) an individual or organization des-
15 ignated under Executive Order 13224 (50
16 U.S.C. 1701 note); or

17 (C) a state sponsor of terrorism as deter-
18 mined by the Secretary of State under section
19 6(j) of the Export Administration Act of 1979
20 (50 U.S.C. 4605), section 40 of the Arms Ex-
21 port Control Act (22 U.S.C. 2780), or section
22 620A of the Foreign Assistance Act of 1961
23 (22 U.S.C. 2371);

24 (3) the term “Domestic Terrorism Executive
25 Committee” means the committee within the De-
26 partment of Justice tasked with assessing and shar-

1 ing information about ongoing domestic terrorism
2 threats;

3 (4) the term “hate crime incident” means an
4 act described in section 245, 247, or 249 of title 18,
5 United States Code, or in section 901 of the Civil
6 Rights Act of 1968 (42 U.S.C. 3631);

7 (5) the term “Secretary” means the Secretary
8 of Homeland Security; and

9 (6) the term “uniformed services” has the
10 meaning given the term in section 101(a) of title 10,
11 United States Code.

12 **SEC. 4. OFFICES TO COMBAT DOMESTIC TERRORISM.**

13 (a) AUTHORIZATION OF OFFICES TO MONITOR, ANA-
14 LYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TER-
15 RORISM.—

16 (1) DOMESTIC TERRORISM UNIT.—There is au-
17 thorized a Domestic Terrorism Unit in the Office of
18 Intelligence and Analysis of the Department of
19 Homeland Security, which shall be responsible for
20 monitoring and analyzing domestic terrorism activ-
21 ity.

22 (2) DOMESTIC TERRORISM OFFICE.—There is
23 authorized a Domestic Terrorism Office in the
24 Counterterrorism Section of the National Security
25 Division of the Department of Justice—

1 (A) which shall be responsible for inves-
2 tigating and prosecuting incidents of domestic
3 terrorism; and

4 (B) which shall be headed by the Domestic
5 Terrorism Counsel.

6 (3) DOMESTIC TERRORISM SECTION OF THE
7 FBI.—There is authorized a Domestic Terrorism
8 Section within the Counterterrorism Division of the
9 Federal Bureau of Investigation, which shall be re-
10 sponsible for investigating domestic terrorism activ-
11 ity.

12 (4) STAFFING.—The Secretary, the Attorney
13 General, and the Director shall each ensure that the
14 offices authorized under this section in their respec-
15 tive agencies shall have adequate staff to perform
16 the required duties.

17 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

18 (1) ANNUAL REPORT REQUIRED.—Not later
19 than 180 days after the date of enactment of this
20 Act, and each year thereafter, the Secretary of
21 Homeland Security, the Attorney General, and the
22 Director of the Federal Bureau of Investigation shall
23 submit a joint report authored by the domestic ter-
24 rorism offices authorized under paragraphs (1), (2),
25 and (3) of subsection (a) to—

1 (A) the Committee on the Judiciary, the
2 Committee on Homeland Security and Govern-
3 mental Affairs, and the Select Committee on
4 Intelligence of the Senate; and

5 (B) the Committee on the Judiciary, the
6 Committee on Homeland Security, and the Per-
7 manent Select Committee on Intelligence of the
8 House of Representatives.

9 (2) CONTENTS.—Each report submitted under
10 paragraph (1) shall include—

11 (A) an assessment of the domestic ter-
12 rorism threat posed by White supremacists and
13 neo-Nazis, including White supremacist and
14 neo-Nazi infiltration of Federal, State, and
15 local law enforcement agencies and the uni-
16 formed services; and

17 (B)(i) in the first report, an analysis of in-
18 cidents or attempted incidents of domestic ter-
19 rorism that have occurred in the United States
20 since April 19, 1995; and

21 (ii) in each subsequent report, an analysis
22 of incidents or attempted incidents of domestic
23 terrorism that occurred in the United States
24 during the preceding year; and

1 (C) a quantitative analysis of domestic ter-
2 rorism for the preceding year, including the
3 number of—

4 (i) domestic terrorism related assess-
5 ments initiated by the Federal Bureau of
6 Investigation, including the number of as-
7 sessments from each classification and sub-
8 category;

9 (ii) domestic terrorism-related prelimi-
10 nary investigations initiated by the Federal
11 Bureau of Investigation, including the
12 number of preliminary investigations from
13 each classification and subcategory, and
14 how many preliminary investigations re-
15 sulted from assessments;

16 (iii) domestic terrorism-related full in-
17 vestigations initiated by the Federal Bu-
18 reau of Investigation, including the number
19 of full investigations from each classifica-
20 tion and subcategory, and how many full
21 investigations resulted from preliminary in-
22 vestigations and assessments;

23 (iv) domestic terrorism-related inci-
24 dents, including the number of incidents
25 from each classification and subcategory,

1 the number of deaths and injuries result-
2 ing from each incident, and a detailed ex-
3 planation of each incident;

4 (v) Federal domestic terrorism-related
5 arrests, including the number of arrests
6 from each classification and subcategory,
7 and a detailed explanation of each arrest;

8 (vi) Federal domestic terrorism-re-
9 lated indictments, including the number of
10 indictments from each classification and
11 subcategory, and a detailed explanation of
12 each indictment;

13 (vii) Federal domestic terrorism-re-
14 lated prosecutions, including the number of
15 incidents from each classification and sub-
16 category, and a detailed explanation of
17 each prosecution;

18 (viii) Federal domestic terrorism-re-
19 lated convictions, including the number of
20 convictions from each classification and
21 subcategory, and a detailed explanation of
22 each conviction; and

23 (ix) Federal domestic terrorism-re-
24 lated weapons recoveries, including the
25 number of each type of weapon and the

1 number of weapons from each classifica-
2 tion and subcategory.

3 (3) HATE CRIMES.—In compiling a joint report
4 under this subsection, the domestic terrorism offices
5 authorized under paragraphs (1), (2), and (3) of
6 subsection (a) shall, in consultation with the Civil
7 Rights Division of the Department of Justice and
8 the Civil Rights Unit of the Federal Bureau of In-
9 vestigation, review each hate crime incident reported
10 during the preceding year to determine whether the
11 incident also constitutes a domestic terrorism-related
12 incident.

13 (4) CLASSIFICATION AND PUBLIC RELEASE.—
14 Each report submitted under paragraph (1) shall
15 be—

16 (A) unclassified, to the greatest extent pos-
17 sible, with a classified annex only if necessary;
18 and

19 (B) in the case of the unclassified portion
20 of the report, posted on the public websites of
21 the Department of Homeland Security, the De-
22 partment of Justice, and the Federal Bureau of
23 Investigation.

1 (c) DOMESTIC TERRORISM EXECUTIVE COM-
 2 MITTEE.—There is authorized a Domestic Terrorism Ex-
 3 ecutive Committee, which shall—

4 (1) meet on a regular basis, and not less regu-
 5 larly than 4 times each year, to coordinate with
 6 United States Attorneys and other key public safety
 7 officials across the country to promote information
 8 sharing and ensure an effective, responsive, and or-
 9 ganized joint effort to combat domestic terrorism;
 10 and

11 (2) be co-chaired by—

12 (A) the Domestic Terrorism Counsel au-
 13 thorized under subsection (a)(2)(B);

14 (B) a United States Attorney or Assistant
 15 United States Attorney;

16 (C) a member of the National Security Di-
 17 vision of the Department of Justice; and

18 (D) a member of the Federal Bureau of
 19 Investigation.

20 (d) FOCUS ON GREATEST THREATS.—The domestic
 21 terrorism offices authorized under paragraphs (1), (2),
 22 and (3) of subsection (a) shall focus their limited resources
 23 on the most significant domestic terrorism threats, as de-
 24 termined by the number of domestic terrorism-related inci-
 25 dents from each category and subclassification in the joint

1 report for the preceding year required under subsection
2 (b).

3 **SEC. 5. TRAINING TO COMBAT DOMESTIC TERRORISM.**

4 (a) **REQUIRED TRAINING AND RESOURCES.**—The
5 Secretary, the Attorney General, and the Director shall
6 review the anti-terrorism training and resource programs
7 of their respective agencies that are provided to Federal,
8 State, local, and Tribal law enforcement agencies, includ-
9 ing the State and Local Anti-Terrorism Program that is
10 funded by the Bureau of Justice Assistance of the Depart-
11 ment of Justice, and ensure that such programs include
12 training and resources to assist State, local, and Tribal
13 law enforcement agencies in understanding, detecting, de-
14 terring, and investigating acts of domestic terrorism and
15 White supremacist and neo-Nazi infiltration of law en-
16 forcement agencies. The domestic-terrorism training shall
17 focus on the most significant domestic terrorism threats,
18 as determined by the quantitative analysis in the joint re-
19 port required under section 4(b).

20 (b) **REQUIREMENT.**—Any individual who provides do-
21 mestic terrorism training required under this section shall
22 have—

23 (1) expertise in domestic terrorism; and

1 (2) relevant academic, law enforcement, or
2 other experience in matters related to domestic ter-
3 rorism.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act and once each year
7 thereafter, the Secretary, the Attorney General, and
8 the Director shall each submit an annual report to
9 the committees of Congress described in section
10 4(b)(1) on the domestic terrorism training imple-
11 mented by their respective agencies under this sec-
12 tion, which shall include copies of all training mate-
13 rials used and the names and qualifications of the
14 individuals who provide the training.

15 (2) CLASSIFICATION AND PUBLIC RELEASE.—
16 Each report submitted under paragraph (1) shall
17 be—

18 (A) unclassified, to the greatest extent pos-
19 sible, with a classified annex only if necessary;
20 and

21 (B) in the case of the unclassified portion
22 of each report, posted on the public website of
23 the Department of Homeland Security, the De-
24 partment of Justice, and the Federal Bureau of
25 Investigation.

1 **SEC. 6. COMBATTING DOMESTIC TERRORISM THROUGH**
2 **JOINT TERRORISM TASK FORCES AND FU-**
3 **SION CENTERS.**

4 (a) IN GENERAL.—The joint terrorism task forces of
5 the Federal Bureau of Investigation and State, local, and
6 regional fusion centers, as established under section 210A
7 of the Homeland Security Act of 2002 (6 U.S.C. 124h),
8 shall each, in coordination with the Domestic Terrorism
9 Executive Committee and the domestic terrorism offices
10 authorized under paragraphs (1), (2), and (3) of section
11 4(a) of this Act—

12 (1) share intelligence to address domestic ter-
13 rorism activities;

14 (2) conduct an annual, intelligence-based as-
15 sessment of domestic terrorism activities in their ju-
16 risdictions; and

17 (3) formulate and execute a plan to address and
18 combat domestic terrorism activities in their juris-
19 dictions.

20 (b) REQUIREMENT.—The activities required under
21 subsection (a) shall focus on the most significant domestic
22 terrorism threats, as determined by the number of domes-
23 tic terrorism-related incidents from each category and sub-
24 classification in the joint report for the preceding year re-
25 quired under section 4(b).

1 **SEC. 7. INTERAGENCY TASK FORCE.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Attorney General, the Director, the Sec-
4 retary, and the Secretary of Defense shall establish an
5 interagency task force to combat White supremacist and
6 neo-Nazi infiltration of the uniformed services.

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the De-
9 partment of Justice, the Federal Bureau of Investigation,
10 the Department of Homeland Security, and the Depart-
11 ment of Defense such sums as may be necessary to carry
12 out this Act.

○