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S. 4255

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

MAY 18 (legislative day, MAY 17), 2022

Mr. DURBIN (for himself, Ms. BALDWIN, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Ms. DUCKWORTH, Ms. KLOBUCHAR, Mr. SCHATZ, Mr. WARNOCK, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. FEINSTEIN, and Mr. WHITEHOUSE) 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 2022”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

6 (1) the term “Director” means the Director of
7 the Federal Bureau of Investigation;

8 (2) the term “domestic terrorism” has the
9 meaning given the term in section 2331 of title 18,
10 United States Code;

11 (3) the term “Domestic Terrorism Executive
12 Committee” means the committee within the De-
13 partment of Justice tasked with assessing and shar-
14 ing information about ongoing domestic terrorism
15 threats;

16 (4) the term “hate crime incident” means an
17 act described in section 241, 245, 247, or 249 of
18 title 18, United States Code, or in section 901 of the
19 Civil Rights Act of 1968 (42 U.S.C. 3631);

20 (5) the term “Secretary” means the Secretary
21 of Homeland Security; and

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

1 **SEC. 3. OFFICES TO COMBAT DOMESTIC TERRORISM.**

2 (a) AUTHORIZATION OF OFFICES TO MONITOR, ANA-
3 LYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TER-
4 RORISM.—

5 (1) DOMESTIC TERRORISM UNIT.—There is au-
6 thorized a Domestic Terrorism Unit in the Office of
7 Intelligence and Analysis of the Department of
8 Homeland Security, which shall be responsible for
9 monitoring and analyzing domestic terrorism activ-
10 ity.

11 (2) DOMESTIC TERRORISM OFFICE.—There is
12 authorized a Domestic Terrorism Office in the
13 Counterterrorism Section of the National Security
14 Division of the Department of Justice—

15 (A) which shall be responsible for inves-
16 tigating and prosecuting incidents of domestic
17 terrorism;

18 (B) which shall be headed by the Domestic
19 Terrorism Counsel; and

20 (C) which shall coordinate with the Civil
21 Rights Division on domestic terrorism matters
22 that may also be hate crime incidents.

23 (3) DOMESTIC TERRORISM SECTION OF THE
24 FBI.—There is authorized a Domestic Terrorism
25 Section within the Counterterrorism Division of the
26 Federal Bureau of Investigation, which shall be re-

1 sponsible for investigating domestic terrorism activ-
2 ity.

3 (4) STAFFING.—The Secretary, the Attorney
4 General, and the Director shall each ensure that
5 each office authorized under this section in their re-
6 spective agencies shall—

7 (A) have an adequate number of employees
8 to perform the required duties;

9 (B) have not less than one employee dedi-
10 cated to ensuring compliance with civil rights
11 and civil liberties laws and regulations; and

12 (C) require that all employees undergo an-
13 nual anti-bias training.

14 (5) SUNSET.—The offices authorized under this
15 subsection shall terminate on the date that is 10
16 years after the date of enactment of this Act.

17 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

18 (1) BIENNIAL REPORT REQUIRED.—Not later
19 than 180 days after the date of enactment of this
20 Act, and each 6 months thereafter for the 10-year
21 period beginning on the date of enactment of this
22 Act, the Secretary of Homeland Security, the Attor-
23 ney General, and the Director of the Federal Bureau
24 of Investigation shall submit a joint report authored

1 by the domestic terrorism offices authorized under
2 paragraphs (1), (2), and (3) of subsection (a) to—

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

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

11 (2) CONTENTS.—Each report submitted under
12 paragraph (1) shall include—

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

19 (B)(i) in the first report, an analysis of in-
20 cidents or attempted incidents of domestic ter-
21 rorism that have occurred in the United States
22 since April 19, 1995, including any White-su-
23 premacist-related incidents or attempted inci-
24 dents; and

(ii) in each subsequent report, an analysis of incidents or attempted incidents of domestic terrorism that occurred in the United States during the preceding 6 months, including any White-supremacist-related incidents or attempted incidents;

(C) a quantitative analysis of domestic terrorism for the preceding 6 months, including—

(i) the number of—

(I) domestic terrorism related assessments initiated by the Federal Bureau of Investigation, including the number of assessments from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism;

(II) domestic terrorism-related preliminary investigations initiated by the Federal Bureau of Investigation, including the number of preliminary investigations from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and how

1 many preliminary investigations re-
2 sulted from assessments;

3 (III) domestic terrorism-related
4 full investigations initiated by the
5 Federal Bureau of Investigation, in-
6 cluding the number of full investiga-
7 tions from each classification and sub-
8 category, with a specific classification
9 or subcategory for those related to
10 White supremacy, and how many
11 full investigations resulted from pre-
12 liminary investigations and assess-
13 ments;

14 (IV) domestic terrorism-related
15 incidents, including the number of in-
16 cidents from each classification and
17 subcategory, with a specific classifica-
18 tion or subcategory for those related
19 to White supremacy, the number of
20 deaths and injuries resulting from
21 each incident, and a detailed expla-
22 nation of each incident;

23 (V) Federal domestic terrorism-
24 related arrests, including the number
25 of arrests from each classification and

1 subcategory, with a specific classifica-
2 tion or subcategory for those related
3 to White supremacy, and a detailed
4 explanation of each arrest;

5 (VI) Federal domestic terrorism-
6 related indictments, including the
7 number of indictments from each clas-
8 sification and subcategory, with a spe-
9 cific classification or subcategory for
10 those related to White supremacy,
11 and a detailed explanation of each in-
12 dictment;

13 (VII) Federal domestic terrorism-
14 related prosecutions, including the
15 number of incidents from each classi-
16 fication and subcategory, with a spe-
17 cific classification or subcategory for
18 those related to White supremacy,
19 and a detailed explanation of each
20 prosecution;

21 (VIII) Federal domestic ter-
22 rorism-related convictions, including
23 the number of convictions from each
24 classification and subcategory, with a
25 specific classification or subcategory

1 for those related to White
2 supremacism, and a detailed expla-
3 nation of each conviction; and

4 (IX) Federal domestic terrorism-
5 related weapons recoveries, including
6 the number of each type of weapon
7 and the number of weapons from each
8 classification and subcategory, with a
9 specific classification or subcategory
10 for those related to White
11 supremacism; and

12 (ii) an explanation of each individual
13 case that progressed through more than 1
14 of the stages described under clause (i)—

15 (I) including the specific classi-
16 fication or subcategory for each case;
17 and

18 (II) not including personally
19 identifiable information not otherwise
20 releasable to the public; and

21 (D) certification that each of the assess-
22 ments and investigations described under sub-
23 paragraph (C) are in compliance with all appli-
24 cable civil rights and civil liberties laws and reg-
25 ulations.

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

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

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

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

22 (5) NONDUPLICATION.—If two or more provi-
23 sions of this subsection or any other law impose re-
24 quirements on an agency to report or analyze infor-
25 mation on domestic terrorism that are substantially

1 similar, the agency may produce one report that
2 complies with each such requirement as fully as pos-
3 sible.

4 (c) DOMESTIC TERRORISM EXECUTIVE COM-
5 MITTEE.—There is authorized a Domestic Terrorism Ex-
6 ecutive Committee, which shall meet on a regular basis,
7 and not less regularly than 4 times each year, to coordi-
8 nate with United States Attorneys and other key public
9 safety officials across the country to promote information
10 sharing and ensure an effective, responsive, and organized
11 joint effort to combat domestic terrorism.

12 (d) FOCUS ON GREATEST THREATS.—The domestic
13 terrorism offices authorized under paragraphs (1), (2),
14 and (3) of subsection (a) shall focus their limited resources
15 on the most significant domestic terrorism threats, as de-
16 termined by the number of domestic terrorism-related inci-
17 dents from each category and subclassification in the joint
18 report for the preceding 6 months required under sub-
19 section (b).

20 **SEC. 4. TRAINING TO COMBAT DOMESTIC TERRORISM.**

21 (a) REQUIRED TRAINING AND RESOURCES.—The
22 Secretary, the Attorney General, and the Director shall
23 review the anti-terrorism training and resource programs
24 of their respective agencies that are provided to Federal,
25 State, local, and Tribal law enforcement agencies, includ-

1 ing the State and Local Anti-Terrorism Program that is
 2 funded by the Bureau of Justice Assistance of the Depart-
 3 ment of Justice, and ensure that such programs include
 4 training and resources to assist State, local, and Tribal
 5 law enforcement agencies in understanding, detecting, de-
 6 terring, and investigating acts of domestic terrorism and
 7 White supremacist and neo-Nazi infiltration of law en-
 8 forcement and corrections agencies. The Attorney General
 9 shall make training available to Department prosecutors
 10 and to Assistant United States Attorneys on countering
 11 and prosecuting domestic terrorism. The domestic-ter-
 12 rorism training shall focus on the most significant domes-
 13 tic terrorism threats, as determined by the quantitative
 14 analysis in the joint report required under section 3(b).

15 (b) REQUIREMENT.—Any individual who provides do-
 16 mestic terrorism training required under this section shall
 17 have—

18 (1) expertise in domestic terrorism; and
 19 (2) relevant academic, law enforcement, or
 20 other community-based experience in matters related
 21 to domestic terrorism.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than 6 months
 24 after the date of enactment of this Act and twice
 25 each year thereafter, the Secretary, the Attorney

1 General, and the Director shall each submit a bian-
2 nual report to the committees of Congress described
3 in section 3(b)(1) on the domestic terrorism training
4 implemented by their respective agencies under this
5 section, which shall include copies of all training ma-
6 terials used and the names and qualifications of the
7 individuals who provide the training.

8 (2) CLASSIFICATION AND PUBLIC RELEASE.—

9 Each report submitted under paragraph (1) shall—

10 (A) be unclassified, to the greatest extent
11 possible, with a classified annex only if nec-
12 essary;

13 (B) in the case of the unclassified portion
14 of each report, be posted on the public website
15 of the Department of Homeland Security, the
16 Department of Justice, and the Federal Bureau
17 of Investigation; and

18 (C) include the number of Federal inci-
19 dents, investigations, arrests, indictments, pros-
20 ecutions, and convictions with respect to a false
21 report of domestic terrorism or hate crime inci-
22 dent.

23 **SEC. 5. INTERAGENCY TASK FORCE.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this Act, the Attorney General, the

1 Director, the Secretary, and the Secretary of Defense shall
2 establish an interagency task force to analyze and combat
3 White supremacist and neo-Nazi infiltration of the uni-
4 formed services and Federal law enforcement agencies.

5 (b) REPORT.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the interagency task force is established under sub-
8 section (a), the Attorney General, the Secretary, and
9 the Secretary of Defense shall submit a joint report
10 on the findings of the task force and the response
11 of the Attorney General, the Secretary, and the Sec-
12 retary of Defense to such findings, to—

13 (A) the Committee on the Judiciary of the
14 Senate;

15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 (C) the Select Committee on Intelligence of
18 the Senate;

19 (D) the Committee on Armed Services of
20 the Senate;

21 (E) the Committee on the Judiciary of the
22 House of Representatives;

23 (F) the Committee on Homeland Security
24 of the House of Representatives;

1 (G) the Permanent Select Committee on
2 Intelligence of the House of Representatives;
3 and

4 (H) the Committee on Armed Services of
5 the House of Representatives.

6 (2) CLASSIFICATION AND PUBLIC RELEASE.—

7 The report submitted under paragraph (1) shall
8 be—

9 (A) submitted in unclassified form, to the
10 greatest extent possible, with a classified annex
11 only if necessary; and

12 (B) in the case of the unclassified portion
13 of the report, posted on the public website of
14 the Department of Defense, the Department of
15 Homeland Security, the Department of Justice,
16 and the Federal Bureau of Investigation.

17 **SEC. 6. FEDERAL SUPPORT FOR ADDRESSING HATE CRIME**
18 **INCIDENTS WITH A NEXUS TO DOMESTIC**
19 **TERRORISM.**

20 (a) COMMUNITY RELATIONS SERVICE.—The Com-
21 munity Relations Service of the Department of Justice,
22 authorized under section 1001(a) of the Civil Rights Act
23 of 1964 (42 U.S.C. 2000g), may offer the support of the
24 Service to communities where the Department of Justice

1 has brought charges in a hate crime incident that has a
2 nexus to domestic terrorism.

3 (b) FEDERAL BUREAU OF INVESTIGATION.—Section
4 249 of title 18, United States Code, is amended by adding
5 at the end the following:

6 “(f) FEDERAL BUREAU OF INVESTIGATION.—The
7 Attorney General, acting through the Director of the Fed-
8 eral Bureau of Investigation, shall assign a special agent
9 or hate crimes liaison to each field office of the Federal
10 Bureau of Investigation to investigate hate crimes inci-
11 dents with a nexus to domestic terrorism (as such term
12 is defined in section 2 of the Domestic Terrorism Preven-
13 tion Act of 2022).”.

14 **SEC. 7. RULE OF CONSTRUCTION.**

15 Nothing in this Act, or any amendment made by this
16 Act, may be construed to authorize the infringement or
17 violation of any right protected under the First Amend-
18 ment to the Constitution of the United States or an appli-
19 cable provision of Federal law.

20 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the De-
22 partment of Justice, the Federal Bureau of Investigation,
23 the Department of Homeland Security, and the Depart-

1 ment of Defense such sums as may be necessary to carry
2 out this Act.

