

Calendar No. 30

117TH CONGRESS
1ST SESSION

S. 963

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2021

Mr. DURBIN (for himself, Ms. HIRONO, and Ms. DUCKWORTH) introduced the following bill; which was read the first time

MARCH 25, 2021

Read the second time and placed on the calendar

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, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domestic Terrorism
3 and Hate Crimes Prevention Act of 2021”.

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, except that it does not include
11 acts perpetrated by individuals associated with or in-
12 spired by—

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

17 (B) an individual or organization des-
18 ignated under Executive Order 13224 (50
19 U.S.C. 1701 note); or

20 (C) a state sponsor of terrorism as deter-
21 mined by the Secretary of State under section
22 6(j) of the Export Administration Act of 1979
23 (50 U.S.C. 4605), section 40 of the Arms Ex-
24 port Control Act (22 U.S.C. 2780), or section
25 620A of the Foreign Assistance Act of 1961
26 (22 U.S.C. 2371);

1 (3) the term “Domestic Terrorism Executive
2 Committee” means the committee within the De-
3 partment of Justice tasked with assessing and shar-
4 ing information about ongoing domestic terrorism
5 threats;

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

10 (5) the term “Secretary” means the Secretary
11 of Homeland Security; and

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

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

16 (a) AUTHORIZATION OF OFFICES TO MONITOR, ANA-
17 LYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TER-
18 RORISM.—

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

1 (2) DOMESTIC TERRORISM OFFICE.—There is
2 authorized a Domestic Terrorism Office in the
3 Counterterrorism Section of the National Security
4 Division of the Department of Justice—

5 (A) which shall be responsible for inves-
6 tigating and prosecuting incidents of domestic
7 terrorism; and

8 (B) which shall be headed by the Domestic
9 Terrorism Counsel.

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

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

20 (A) have adequate number of employees to
21 perform the required duties;

22 (B) have not less than one employee dedi-
23 cated to ensuring compliance with civil rights
24 and civil liberties laws and regulations; and

1 (C) require that all employees undergo an-
2 nual anti-bias training.

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

6 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

7 (1) BIENNIAL REPORT REQUIRED.—Not later
8 than 180 days after the date of enactment of this
9 Act, and each 6 months thereafter for the 10-year
10 period beginning on the date of enactment of this
11 Act, the Secretary of Homeland Security, the Attor-
12 ney General, and the Director of the Federal Bureau
13 of Investigation shall submit a joint report authored
14 by the domestic terrorism offices authorized under
15 paragraphs (1), (2), and (3) of subsection (a) to—

16 (A) the Committee on the Judiciary, the
17 Committee on Homeland Security and Govern-
18 mental Affairs, and the Select Committee on
19 Intelligence of the Senate; and

20 (B) the Committee on the Judiciary, the
21 Committee on Homeland Security, and the Per-
22 manent Select Committee on Intelligence of the
23 House of Representatives.

24 (2) CONTENTS.—Each report submitted under
25 paragraph (1) shall include—

1 (A) an assessment of the domestic ter-
2 rorism threat posed by White supremacists and
3 neo-Nazis, including White supremacist and
4 neo-Nazi infiltration of Federal, State, and
5 local law enforcement agencies and the uni-
6 formed services; and

7 (B)(i) in the first report, an analysis of in-
8 cidents or attempted incidents of domestic ter-
9 rorism that have occurred in the United States
10 since April 19, 1995, including any White-su-
11 premacist-related incidents or attempted inci-
12 dents; and

13 (ii) in each subsequent report, an analysis
14 of incidents or attempted incidents of domestic
15 terrorism that occurred in the United States
16 during the preceding 6 months, including any
17 White-supremacist-related incidents or at-
18 tempted incidents; and

19 (C) a quantitative analysis of domestic ter-
20 rorism for the preceding 6 months, including—

21 (i) the number of—

22 (I) domestic terrorism related as-
23 sessments initiated by the Federal
24 Bureau of Investigation, including the
25 number of assessments from each

1 classification and subcategory, with a
2 specific classification or subcategory
3 for those related to White
4 supremacism;

5 (II) domestic terrorism-related
6 preliminary investigations initiated by
7 the Federal Bureau of Investigation,
8 including the number of preliminary
9 investigations from each classification
10 and subcategory, with a specific clas-
11 sification or subcategory for those re-
12 lated to White supremacism, and how
13 many preliminary investigations re-
14 sulted from assessments;

15 (III) domestic terrorism-related
16 full investigations initiated by the
17 Federal Bureau of Investigation, in-
18 cluding the number of full investiga-
19 tions from each classification and sub-
20 category, with a specific classification
21 or subcategory for those related to
22 White supremacism, and how many
23 full investigations resulted from pre-
24 liminary investigations and assess-
25 ments;

1 (IV) domestic terrorism-related
2 incidents, including the number of in-
3 cidents from each classification and
4 subcategory, with a specific classifica-
5 tion or subcategory for those related
6 to White supremacy, the number of
7 deaths and injuries resulting from
8 each incident, and a detailed expla-
9 nation of each incident;

10 (V) Federal domestic terrorism-
11 related arrests, including the number
12 of arrests from each classification and
13 subcategory, with a specific classifica-
14 tion or subcategory for those related
15 to White supremacy, and a detailed
16 explanation of each arrest;

17 (VI) Federal domestic terrorism-
18 related indictments, including the
19 number of indictments from each clas-
20 sification and subcategory, with a spe-
21 cific classification or subcategory for
22 those related to White supremacy,
23 and a detailed explanation of each in-
24 dictment;

1 (VII) Federal domestic terrorism-
2 related prosecutions, including the
3 number of incidents from each classi-
4 fication and subcategory, with a spe-
5 cific classification or subcategory for
6 those related to White supremacism,
7 and a detailed explanation of each
8 prosecution;

9 (VIII) Federal domestic ter-
10 rorism-related convictions, including
11 the number of convictions from each
12 classification and subcategory, with a
13 specific classification or subcategory
14 for those related to White
15 supremacism, and a detailed expla-
16 nation of each conviction; and

17 (IX) Federal domestic terrorism-
18 related weapons recoveries, including
19 the number of each type of weapon
20 and the number of weapons from each
21 classification and subcategory, with a
22 specific classification or subcategory
23 for those related to White
24 supremacism; and

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

4 (I) including the specific classi-
5 fication or subcategory for each case;
6 and

7 (II) not including personally
8 identifiable information not otherwise
9 releasable to the public.

10 (3) HATE CRIMES.—In compiling a joint report
11 under this subsection, the domestic terrorism offices
12 authorized under paragraphs (1), (2), and (3) of
13 subsection (a) shall, in consultation with the Civil
14 Rights Division of the Department of Justice and
15 the Civil Rights Unit of the Federal Bureau of In-
16 vestigation, review each hate crime incident reported
17 during the preceding 6 months to determine whether
18 the incident also constitutes a domestic terrorism-re-
19 lated incident.

20 (4) CLASSIFICATION AND PUBLIC RELEASE.—
21 Each report submitted under paragraph (1) shall
22 be—

23 (A) unclassified, to the greatest extent pos-
24 sible, with a classified annex only if necessary;
25 and

1 (B) in the case of the unclassified portion
2 of the report, posted on the public websites of
3 the Department of Homeland Security, the De-
4 partment of Justice, and the Federal Bureau of
5 Investigation.

6 (5) NONDUPLICATION.—If two or more provi-
7 sions of this subsection or any other law impose re-
8 quirements on an agency to report or analyze infor-
9 mation on domestic terrorism that are substantially
10 similar, the agency shall construe such provisions as
11 mutually supplemental, so as to provide for the most
12 extensive reporting or analysis, and shall comply
13 with each such requirement as fully as possible.

14 (c) DOMESTIC TERRORISM EXECUTIVE COM-
15 MITTEE.—There is authorized a Domestic Terrorism Ex-
16 ecutive Committee, which shall—

17 (1) meet on a regular basis, and not less regu-
18 larly than 4 times each year, to coordinate with
19 United States Attorneys and other key public safety
20 officials across the country to promote information
21 sharing and ensure an effective, responsive, and or-
22 ganized joint effort to combat domestic terrorism;
23 and

24 (2) be co-chaired by—

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

3 (B) a United States Attorney or Assistant
4 United States Attorney;

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

7 (D) a member of the Federal Bureau of
8 Investigation.

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

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

18 (a) REQUIRED TRAINING AND RESOURCES.—The
19 Secretary, the Attorney General, and the Director shall
20 review the anti-terrorism training and resource programs
21 of their respective agencies that are provided to Federal,
22 State, local, and Tribal law enforcement agencies, includ-
23 ing the State and Local Anti-Terrorism Program that is
24 funded by the Bureau of Justice Assistance of the Depart-
25 ment of Justice, and ensure that such programs include

1 training and resources to assist State, local, and Tribal
2 law enforcement agencies in understanding, detecting, de-
3 terring, and investigating acts of domestic terrorism and
4 White supremacist and neo-Nazi infiltration of law en-
5 forcement and corrections agencies. The domestic-ter-
6 rorism training shall focus on the most significant domes-
7 tic terrorism threats, as determined by the quantitative
8 analysis in the joint report required under section 3(b).

9 (b) REQUIREMENT.—Any individual who provides do-
10 mestic terrorism training required under this section shall
11 have—

12 (1) expertise in domestic terrorism; and

13 (2) relevant academic, law enforcement, or
14 other community-based experience in matters related
15 to domestic terrorism.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 6 months
18 after the date of enactment of this Act and twice
19 each year thereafter, the Secretary, the Attorney
20 General, and the Director shall each submit a bian-
21 nual report to the committees of Congress described
22 in section 3(b)(1) on the domestic terrorism training
23 implemented by their respective agencies under this
24 section, which shall include copies of all training ma-

1 materials used and the names and qualifications of the
2 individuals who provide the training.

3 (2) CLASSIFICATION AND PUBLIC RELEASE.—

4 Each report submitted under paragraph (1) shall
5 be—

6 (A) unclassified, to the greatest extent pos-
7 sible, with a classified annex only if necessary;
8 and

9 (B) in the case of the unclassified portion
10 of each report, posted on the public website of
11 the Department of Homeland Security, the De-
12 partment of Justice, and the Federal Bureau of
13 Investigation.

14 **SEC. 5. INTERAGENCY TASK FORCE.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Attorney General, the
17 Director, the Secretary, and the Secretary of Defense shall
18 establish an interagency task force to analyze and combat
19 White supremacist and neo-Nazi infiltration of the uni-
20 formed services and Federal law enforcement agencies.

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the interagency task force is established under sub-
24 section (a), the Attorney General, the Director, the
25 Secretary, and the Secretary of Defense shall submit

1 a joint report on the findings of the task force and
2 the response of the Attorney General, the Director,
3 the Secretary, and the Secretary of Defense to such
4 findings, to—

5 (A) the Committee on the Judiciary of the
6 Senate;

7 (B) the Committee on Homeland Security
8 and Governmental Affairs of the Senate;

9 (C) the Select Committee on Intelligence of
10 the Senate;

11 (D) the Committee on Armed Services of
12 the Senate;

13 (E) the Committee on the Judiciary of the
14 House of Representatives;

15 (F) the Committee on Homeland Security
16 of the House of Representatives;

17 (G) the Permanent Select Committee on
18 Intelligence of the House of Representatives;
19 and

20 (H) the Committee on Armed Services of
21 the House of Representatives.

22 (2) CLASSIFICATION AND PUBLIC RELEASE.—

23 The report submitted under paragraph (1) shall
24 be—

1 (A) submitted in unclassified form, to the
 2 greatest extent possible, with a classified annex
 3 only if necessary; and

4 (B) in the case of the unclassified portion
 5 of the report, posted on the public website of
 6 the Department of Defense, the Department of
 7 Homeland Security, the Department of Justice,
 8 and the Federal Bureau of Investigation.

9 **SEC. 6. DEPARTMENT OF JUSTICE SUPPORT FOR HATE**
 10 **CRIME INCIDENTS WITH A NEXUS TO DOMES-**
 11 **TIC TERRORISM.**

12 (a) COMMUNITY RELATIONS SERVICE.—The Com-
 13 munity Relations Service of the Department of Justice,
 14 authorized under section 1001(a) of the Civil Rights Act
 15 of 1964 (42 U.S.C. 2000g), may offer the support of the
 16 Service to communities where the Department of Justice
 17 has brought charges in a hate crime incident that has a
 18 nexus to domestic terrorism.

19 (b) FEDERAL BUREAU OF INVESTIGATION.—Section
 20 249 of title 18, United States Code, is amended by adding
 21 at the end the following:

22 “(e) FEDERAL BUREAU OF INVESTIGATION.—The
 23 Attorney General, acting through the Director of the Fed-
 24 eral Bureau of Investigation, shall assign a special agent
 25 or hate crimes liaison to each field office of the Federal

1 Bureau of Investigation to investigate hate crimes inci-
 2 dents with a nexus to domestic terrorism (as such term
 3 is defined in section 2 of the Domestic Terrorism and
 4 Hate Crimes Prevention Act of 2021).”.

5 **SEC. 7. REVIEW OF COVID-19 HATE CRIMES.**

6 (a) IN GENERAL.—Not later than 14 days after the
 7 date of enactment of this Act, the Attorney General shall
 8 designate an officer or employee of the Department of
 9 Justice whose sole responsibility during the applicable pe-
 10 riod shall be to facilitate the expedited review of COVID-
 11 19 hate crimes and reports of any such crime to Federal,
 12 State, or local law enforcement agencies.

13 (b) DEFINITIONS.—In this section:

14 (1) APPLICABLE PERIOD.—The term “applica-
 15 ble period” means the period beginning on the date
 16 on which the officer or employee is designated under
 17 subsection (a), and ending on the date that is 1 year
 18 after the date on which the emergency period de-
 19 scribed in subparagraph (B) of section 1135(g)(1) of
 20 the Social Security Act (42 U.S.C. 1320b-5(g)(1))
 21 ends, except that the Attorney General may extend
 22 such period as appropriate.

23 (2) COVID-19 HATE CRIME.—The term
 24 “COVID-19 hate crime” means a crime of violence

(as such term is defined in section 16 of 18, United States Code) that is motivated by—

(A) the actual or perceived race, ethnicity, age, color, religion, national origin, sexual orientation, gender, gender identity, or disability of any person; and

(B) the actual or perceived relationship to the spread of COVID–19 of any person because of the characteristic described in subparagraph (A).

(c) GUIDANCE.—

(1) GUIDANCE FOR LAW ENFORCEMENT AGENCIES.—The Attorney General shall issue guidance for State and local law enforcement agencies on how to—

(A) establish online reporting of hate crimes or incidents, and to have online reporting available in multiple languages as determined by the Attorney General; and

(B) expand culturally competent and linguistically appropriate public education campaigns, and collection of data and public reporting of hate crimes.

(2) GUIDANCE RELATING TO COVID–19 PANDEMIC.—The Attorney General and the Secretary of

1 Health and Human Services, in coordination with
2 the COVID–19 Health Equity Task Force and com-
3 munity-based organizations, shall issue guidance de-
4 scribing best practices to mitigate racially discrimi-
5 natory language in describing the COVID–19 pan-
6 demic.

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.

Calendar No. 30

117TH CONGRESS
1ST Session

S. 963

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, and for other purposes.

MARCH 25, 2021

Read the second time and placed on the calendar