

117TH CONGRESS
1ST SESSION

S. 964

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 24, 2021

Mr. DURBIN 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Terrorism
5 Prevention Act of 2021”.

1 **SEC. 2. 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 241, 245, 247, or 249 of
5 title 18, United States Code, or in section 901 of the
6 Civil 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. 3. 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
14 each office authorized under this section in their re-
15 spective agencies shall—

16 (A) have adequate number of employees to
17 perform the required duties;

18 (B) have not less than one employee dedi-
19 cated to ensuring compliance with civil rights
20 and civil liberties laws and regulations; and

21 (C) require that all employees undergo an-
22 nual anti-bias training.

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

1 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

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

11 (A) the Committee on the Judiciary, the
12 Committee on Homeland Security and Govern-
13 mental Affairs, and the Select Committee on
14 Intelligence of the Senate; and

15 (B) the Committee on the Judiciary, the
16 Committee on Homeland Security, and the Per-
17 manent Select Committee on Intelligence of the
18 House of Representatives.

19 (2) CONTENTS.—Each report submitted under
20 paragraph (1) shall include—

21 (A) an assessment of the domestic ter-
22 rorism threat posed by White supremacists and
23 neo-Nazis, including White supremacist and
24 neo-Nazi infiltration of Federal, State, and

1 local law enforcement agencies and the uni-
2 formed services; and

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

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

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

17 (i) the number of—

18 (I) domestic terrorism related as-
19 sessments initiated by the Federal
20 Bureau of Investigation, including the
21 number of assessments from each
22 classification and subcategory, with a
23 specific classification or subcategory
24 for those related to White
25 supremacism;

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

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

22 (IV) domestic terrorism-related
23 incidents, including the number of in-
24 cidents from each classification and
25 subcategory, with a specific classifica-

1 tion or subcategory for those related
2 to White supremacy, the number of
3 deaths and injuries resulting from
4 each incident, and a detailed expla-
5 nation of each incident;

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

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

21 (VII) Federal domestic terrorism-
22 related prosecutions, including the
23 number of incidents from each classi-
24 fication and subcategory, with a spe-
25 cific classification or subcategory for

1 those related to White supremacism,
2 and a detailed explanation of each
3 prosecution;

4 (VIII) Federal domestic ter-
5 rorism-related convictions, including
6 the number of convictions from each
7 classification and subcategory, with a
8 specific classification or subcategory
9 for those related to White
10 supremacism, and a detailed expla-
11 nation of each conviction; and

12 (IX) Federal domestic terrorism-
13 related weapons recoveries, including
14 the number of each type of weapon
15 and the number of weapons from each
16 classification and subcategory, with a
17 specific classification or subcategory
18 for those related to White
19 supremacism; and

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

23 (I) including the specific classi-
24 fication or subcategory for each case;
25 and

1 (II) not including personally
2 identifiable information not otherwise
3 releasable to the public.

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

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

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

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

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

9 (c) DOMESTIC TERRORISM EXECUTIVE COM-
10 MITTEE.—There is authorized a Domestic Terrorism Ex-
11 ecutive Committee, which shall—

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

19 (2) be co-chaired by—

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

22 (B) a United States Attorney or Assistant
23 United States Attorney;

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

1 (D) a member of the Federal Bureau of
2 Investigation.

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

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

12 (a) REQUIRED TRAINING AND RESOURCES.—The
13 Secretary, the Attorney General, and the Director shall
14 review the anti-terrorism training and resource programs
15 of their respective agencies that are provided to Federal,
16 State, local, and Tribal law enforcement agencies, includ-
17 ing the State and Local Anti-Terrorism Program that is
18 funded by the Bureau of Justice Assistance of the Depart-
19 ment of Justice, and ensure that such programs include
20 training and resources to assist State, local, and Tribal
21 law enforcement agencies in understanding, detecting, de-
22 terring, and investigating acts of domestic terrorism and
23 White supremacist and neo-Nazi infiltration of law en-
24 forcement and corrections agencies. The domestic-ter-
25 rorism training shall focus on the most significant domes-

1 tie terrorism threats, as determined by the quantitative
2 analysis in the joint report required under section 3(b).

3 (b) REQUIREMENT.—Any individual who provides do-
4 mestic terrorism training required under this section shall
5 have—

6 (1) expertise in domestic terrorism; and

7 (2) relevant academic, law enforcement, or
8 other community-based experience in matters related
9 to domestic terrorism.

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than 6 months
12 after the date of enactment of this Act and twice
13 each year thereafter, the Secretary, the Attorney
14 General, and the Director shall each submit a bian-
15 nual report to the committees of Congress described
16 in section 3(b)(1) on the domestic terrorism training
17 implemented by their respective agencies under this
18 section, which shall include copies of all training ma-
19 terials used and the names and qualifications of the
20 individuals who provide the training.

21 (2) CLASSIFICATION AND PUBLIC RELEASE.—

22 Each report submitted under paragraph (1) shall
23 be—

1 (A) unclassified, to the greatest extent pos-
2 sible, with a classified annex only if necessary;
3 and

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

9 **SEC. 5. INTERAGENCY TASK FORCE.**

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

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the interagency task force is established under sub-
19 section (a), the Attorney General, the Director, the
20 Secretary, and the Secretary of Defense shall submit
21 a joint report on the findings of the task force and
22 the response of the Attorney General, the Director,
23 the Secretary, and the Secretary of Defense to such
24 findings, to—

1 (A) the Committee on the Judiciary of the
2 Senate;

3 (B) the Committee on Homeland Security
4 and Governmental Affairs of the Senate;

5 (C) the Select Committee on Intelligence of
6 the Senate;

7 (D) the Committee on Armed Services of
8 the Senate;

9 (E) the Committee on the Judiciary of the
10 House of Representatives;

11 (F) the Committee on Homeland Security
12 of the House of Representatives;

13 (G) the Permanent Select Committee on
14 Intelligence of the House of Representatives;
15 and

16 (H) the Committee on Armed Services of
17 the House of Representatives.

18 (2) CLASSIFICATION AND PUBLIC RELEASE.—
19 The report submitted under paragraph (1) shall
20 be—

21 (A) submitted in unclassified form, to the
22 greatest extent possible, with a classified annex
23 only if necessary; and

24 (B) in the case of the unclassified portion
25 of the report, posted on the public website of

1 the Department of Defense, the Department of
2 Homeland Security, the Department of Justice,
3 and the Federal Bureau of Investigation.

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

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

14 (b) **FEDERAL BUREAU OF INVESTIGATION.**—Section
15 249 of title 18, United States Code, is amended by adding
16 at the end the following:

17 “(e) **FEDERAL BUREAU OF INVESTIGATION.**—The
18 Attorney General, acting through the Director of the Fed-
19 eral Bureau of Investigation, shall assign a special agent
20 or hate crimes liaison to each field office of the Federal
21 Bureau of Investigation to investigate hate crimes inci-
22 dents with a nexus to domestic terrorism (as such term
23 is defined in section 2 of the Domestic Terrorism Preven-
24 tion Act of 2021).”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the De-
3 partment of Justice, the Federal Bureau of Investigation,
4 the Department of Homeland Security, and the Depart-
5 ment of Defense such sums as may be necessary to carry
6 out this Act.

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