

115TH CONGRESS
1ST SESSION

S. 2148

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

NOVEMBER 16, 2017

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARDIN, Mr. COONS, Ms. DUCKWORTH, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. VAN HOLLEN, Mr. WHITEHOUSE, and Mr. SCHATZ) 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 2017”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

9 (2) A 2009 report from the Extremism and
10 Radicalization Branch of the Department of Home-
11 land Security concluded “that lone wolves and small
12 terrorist cells embracing violent right-wing extremist
13 ideology are the most dangerous domestic terrorism
14 threat in the United States”.

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

23 (4) According to the New America Foundation,
24 since September 11, 2001, 76 Americans have died
25 in terrorist attacks by domestic extremists in the

1 United States. 89 percent were killed by far-right-
2 wing extremists.

3 (5) The fatal attacks described in paragraph
4 (4) include—

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

9 (B) the April 13, 2014, mass shooting at
10 a Jewish community center and a Jewish as-
11 sisted living facility in Overland Park, Kansas,
12 in which a neo-Nazi shot and killed 3 civilians,
13 including a 14-year-old teenager;

14 (C) the June 8, 2014, ambush in Las
15 Vegas, Nevada, in which 2 supporters of the far
16 right-wing “patriot” movement shot and killed
17 2 police officers and a civilian;

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

22 (E) the November 27, 2015, mass shooting
23 at a Planned Parenthood clinic in Colorado
24 Springs, Colorado, in which an anti-abortion ex-

1 tremist shot and killed a police officer and 2 ci-
2 vilians;

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

8 (G) the May 26, 2017, attack in Portland,
9 Oregon, in which a White supremacist allegedly
10 murdered 2 men and injured a third after the
11 men defended 2 young women whom the indi-
12 vidual had targeted with anti-Muslim hate
13 speech; and

14 (H) the August 12, 2017, attack in Char-
15 lottesville, Virginia, in which a White suprema-
16 cist allegedly killed one and injured nineteen
17 after driving his car through a crowd of individ-
18 uals protesting a neo-Nazi rally, and of which
19 Attorney General Jeff Sessions said, “It does
20 meet the definition of domestic terrorism in our
21 statute.”.

22 (6) The Anti-Defamation League’s Center on
23 Extremism found that right-wing extremists were re-
24 sponsible for 150 terrorist acts, attempted acts, and
25 plots and conspiracies that took place in the United

1 States between 1993 and 2017. These attacks re-
2 sulted in the deaths of 255 people and injured more
3 than 600.

4 (7) According to the Southern Poverty Law
5 Center, in 2015, for the first time in 5 years, the
6 number of hate groups in the United States rose by
7 14 percent. The increase included a more than two-
8 fold rise in the number of Ku Klux Klan chapters.
9 The number of anti-government militias and “pa-
10 triot” groups also grew by 14 percent in 2015.

11 (8) In November 2017, the Federal Bureau of
12 Investigation released its annual hate crime incident
13 report, which found that in 2016, hate crimes in-
14 creased by almost 5 percent, including a 19-percent
15 rise in hate crimes against American Muslims. Simi-
16 larly, the previous year’s report found that in 2015,
17 hate crimes increased by 6 percent. Much of that in-
18 crease came from a 66-percent rise in attacks on
19 American Muslims. In both reports, race-based
20 crimes were most numerous; more than 50 percent
21 of those hate crimes targeted African Americans.

22 (9) In January 2017, a right-wing extremist
23 who had expressed anti-Muslim views was charged
24 with murder for allegedly killing 6 people and injur-
25 ing nineteen in a shooting rampage at a mosque in

1 Quebec City, Canada. It was the first-ever mass
2 shooting at a mosque in North America, and Prime
3 Minister Trudeau labeled it a terrorist attack.

4 (10) Between January and July 2017, news re-
5 ports found 63 incidents in which American mosques
6 were targeted by threats, vandalism, or arson.

7 **SEC. 3. DEFINITIONS.**

8 In this Act—

9 (1) the term “Director” means the Director of
10 the Federal Bureau of Investigation;

11 (2) the term “domestic terrorism” has the
12 meaning given the term in section 2331 of title 18,
13 United States Code;

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

19 (4) the term “Secretary” means the Secretary
20 of Homeland Security.

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

22 (a) AUTHORIZATION OF OFFICES TO MONITOR, ANA-
23 LYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TER-
24 RORISM.—

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

7 (2) DOMESTIC TERRORISM OFFICE.—There is
8 authorized a Domestic Terrorism Office in the
9 Counterterrorism Section of the National Security
10 Division of the Department of Justice—

11 (A) which shall be responsible for inves-
12 tigating and prosecuting incidents of domestic
13 terrorism; and

14 (B) which shall be headed by the Domestic
15 Terrorism Counsel.

16 (3) DOMESTIC TERRORISM SECTION OF THE
17 FBI.—There is authorized a Domestic Terrorism
18 Section within the Counterterrorism Division of the
19 Federal Bureau of Investigation, which shall be re-
20 sponsible for investigating domestic terrorism activ-
21 ity.

22 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

23 (1) ANNUAL REPORT REQUIRED.—Not later
24 than 180 days after the date of enactment of this
25 Act, and each year thereafter, the Secretary of

1 Homeland Security, the Attorney General, and the
2 Director of the Federal Bureau of Investigation shall
3 submit a joint report authored by the domestic ter-
4 rorism offices authorized under paragraphs (1), (2),
5 and (3) of subsection (a) to—

6 (A) the Committee on the Judiciary, the
7 Committee on Homeland Security and Govern-
8 mental Affairs, and the Select Committee on
9 Intelligence of the Senate; and

10 (B) the Committee on the Judiciary, the
11 Committee on Homeland Security, and the Per-
12 manent Select Committee on Intelligence of the
13 House of Representatives.

14 (2) CONTENTS.—Each report submitted under
15 paragraph (1) shall include—

16 (A) an assessment of the domestic ter-
17 rorism threat posed by White supremacists, in-
18 cluding White supremacist infiltration and re-
19 cruitment of law enforcement officers and mem-
20 bers of the Armed Forces;

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

1 (ii) in each subsequent report, an analysis
2 of incidents or attempted incidents of domestic
3 terrorism that occurred in the United States
4 during the preceding year; and

5 (C) a quantitative analysis of domestic ter-
6 rorism for the preceding year, including the
7 number of—

8 (i) domestic terrorism related assess-
9 ments initiated by the Federal Bureau of
10 Investigation, including the number of as-
11 sessments from each classification and sub-
12 category;

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

20 (iii) domestic terrorism related full in-
21 vestigations initiated by the Federal Bu-
22 reau of Investigation, including the number
23 of full investigations from each classifica-
24 tion and subcategory, and how many full

1 investigations resulted from preliminary in-
2 vestigations and assessments;

3 (iv) domestic terrorism related inci-
4 dents, including the number of incidents
5 from each classification and subcategory,
6 the number of deaths and injuries result-
7 ing from each incident, and a detailed ex-
8 planation of each incident;

9 (v) Federal domestic terrorism related
10 arrests, including the number of arrests
11 from each classification and subcategory,
12 and a detailed explanation of each arrest;

13 (vi) Federal domestic terrorism re-
14 lated indictments, including the number of
15 indictments from each classification and
16 subcategory, and a detailed explanation of
17 each indictment;

18 (vii) Federal domestic terrorism re-
19 lated prosecutions, including the number of
20 incidents from each classification and sub-
21 category, and a detailed explanation of
22 each prosecution;

23 (viii) Federal domestic terrorism re-
24 lated convictions, including the number of
25 convictions from each classification and

1 subcategory, and a detailed explanation of
2 each conviction; and

3 (ix) Federal domestic terrorism re-
4 lated weapons recoveries, including the
5 number of each type of weapon and the
6 number of weapons from each classifica-
7 tion and subcategory.

8 (3) CLASSIFICATION AND PUBLIC RELEASE.—
9 Each report submitted under paragraph (1) shall
10 be—

11 (A) unclassified, to the greatest extent pos-
12 sible, with a classified annex only if necessary;
13 and

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

19 (c) DOMESTIC TERRORISM EXECUTIVE COM-
20 MITTEE.—There is authorized a Domestic Terrorism Ex-
21 ecutive Committee, which shall—

22 (1) meet on a regular basis, and not less regu-
23 larly than 4 times each year, to coordinate with
24 United States Attorneys and other key public safety
25 officials across the country to promote information

1 sharing and ensure an effective, responsive, and or-
2 ganized joint effort to combat domestic terrorism;
3 and

4 (2) be co-chaired by—

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

7 (B) a United States Attorney or Assistant
8 United States Attorney;

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

11 (D) a member of the Federal Bureau of
12 Investigation.

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

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

22 (a) REQUIRED TRAINING AND RESOURCES.—The
23 State and Local Anti-Terrorism Program, funded by the
24 Bureau of Justice Assistance of the Department of Jus-
25 tice, shall include training and resources to assist State,

1 local, and tribal law enforcement officers in under-
2 standing, detecting, deterring, and investigating acts of
3 domestic terrorism. The training shall focus on the most
4 significant domestic terrorism threats, as determined by
5 the quantitative analysis in the joint report required under
6 section 4(b).

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

10 (1) expertise in domestic terrorism; and

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

14 (c) REPORT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act and once each year
17 thereafter, the Director of the Bureau of Justice As-
18 sistance shall submit an annual report to the com-
19 mittees of Congress described in section 4(b)(1) on
20 the domestic terrorism training implemented under
21 this section, which shall include copies of all training
22 materials used and the names and qualifications of
23 the individuals who provide the training.

24 (2) CLASSIFICATION.—Each report submitted
25 under paragraph (1) shall be unclassified, to the

1 greatest extent possible, with a classified annex only
2 if necessary.

3 **SEC. 6. COMBATING DOMESTIC TERRORISM THROUGH**
4 **JOINT TERRORISM TASK FORCES AND FU-**
5 **SION CENTERS.**

6 (a) IN GENERAL.—The joint terrorism task forces of
7 the Federal Bureau of Investigation and State, local, and
8 regional fusion centers, as established under section 210A
9 of the Homeland Security Act of 2002 (6 U.S.C. 124h),
10 shall each, in coordination with the Domestic Terrorism
11 Executive Committee and the domestic terrorism offices
12 authorized under paragraphs (1), (2), and (3) of section
13 4(a) of this Act—

14 (1) share intelligence to address domestic ter-
15 rorism activities;

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

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

22 (b) REQUIREMENT.—The activities required under
23 subsection (a) shall focus on the most significant domestic
24 terrorism threats, as determined by the number of domes-
25 tic terrorism related incidents from each category and sub-

1 classification in the joint report for the preceding year re-
2 quired under section 4(b).

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

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