

117TH CONGRESS
2D SESSION

S. _____

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

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on _____

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 2022”.

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;

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

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

17 (5) the term “Secretary” means the Secretary
18 of Homeland Security; and

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

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

23 (a) AUTHORIZATION OF OFFICES TO MONITOR, ANA-
24 LYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TER-
25 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;

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

16 (C) which shall coordinate with the Civil
17 Rights Division on domestic terrorism matters
18 that may also be hate crime incidents.

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

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

5 (A) have an adequate number of employees
6 to perform the required duties;

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

10 (C) require that all employees undergo an-
11 nual anti-bias training.

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

15 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

16 (1) BIENNIAL REPORT REQUIRED.—Not later
17 than 180 days after the date of enactment of this
18 Act, and each 6 months thereafter for the 10-year
19 period beginning on the date of enactment of this
20 Act, the Secretary of Homeland Security, the Attor-
21 ney General, and the Director of the Federal Bureau
22 of Investigation shall submit a joint report authored
23 by the domestic terrorism offices authorized under
24 paragraphs (1), (2), 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, including any White-su-
21 premacist-related incidents or attempted inci-
22 dents; and

23 (ii) in each subsequent report, an analysis
24 of incidents or attempted incidents of domestic
25 terrorism that occurred in the United States

1 during the preceding 6 months, including any
2 White-supremacist-related incidents or at-
3 tempted incidents;

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

6 (i) the number of—

7 (I) domestic terrorism related as-
8 sessments initiated by the Federal
9 Bureau of Investigation, including the
10 number of assessments from each
11 classification and subcategory, with a
12 specific classification or subcategory
13 for those related to White
14 supremacism;

15 (II) domestic terrorism-related
16 preliminary investigations initiated by
17 the Federal Bureau of Investigation,
18 including the number of preliminary
19 investigations from each classification
20 and subcategory, with a specific clas-
21 sification or subcategory for those re-
22 lated to White supremacism, and how
23 many preliminary investigations re-
24 sulted from assessments;

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

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

21 (V) Federal domestic terrorism-
22 related arrests, including the number
23 of arrests from each classification and
24 subcategory, with a specific classifica-
25 tion or subcategory for those related

1 to White supremacy, and a detailed
2 explanation of each arrest;

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

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

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

1 supremacism, and a detailed expla-
2 nation of each conviction; and

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

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

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

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

20 (D) certification that each of the assess-
21 ments and investigations described under sub-
22 paragraph (C) are in compliance with all appli-
23 cable civil rights and civil liberties laws and reg-
24 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 possible.
3

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

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 determined
16 by the number of domestic terrorism-related incidents
17 from each category and subclassification in the joint
18 report for the preceding 6 months required under subsection
19 (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-
24 ment of Defense such sums as may be necessary to carry
25 out this Act.