

not exposing or disclosing exculpatory evidence can do and how it is an imbalance as it relates to defendants who happen to be Brown or Black. That is unfair, and I know the America that I have come to know and love understands that justice should be equal for all.

Again, one prominent example of the failure to disclose exculpatory evidence was in the 2008 trial of then-Senator Ted Stevens. When it was later revealed that the Justice Department had committed misconduct by failing to turn over exculpatory evidence, the judge in that case concluded that he could not sanction the prosecutors because he had not issued a direct written court order requiring them to abide by their ethical and constitutional obligations to disclose favorable evidence.

Many of us who knew that case, who knew Senator Stevens, knew, of course, that he had experienced an injustice.

Following the Stevens case, in June 2018, the District Court for the District of Columbia, where the case was tried, amended its local rules to require prosecutors to comply with their disclosure obligations. Other Federal districts had already and have since issued specific local rules or standing orders that govern these obligations.

A 2011 survey by the Federal Judicial Center indicated that 38 of the 94 Federal districts had a local rule or standing order confirming the government's obligation to disclose exculpatory and/or questioning the credibility of witnesses, which is known as impeachment, material.

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To address this issue, the Due Process Protections Act would do three things, three very vital things to the scales of justice: One, amend the Federal Rules of Criminal Procedure to require that a judge issue an order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutors in every criminal case;

Two, require each judicial council in which a district court is located to issue a model order that its courts can use at their discretion; and,

Three, leave it to the courts in each district to detail the parameters of their order.

Mr. Speaker, I have had the opportunity to meet with our Federal judges in our jurisdiction over the years, and I know that our discussions always fall on how we can enhance justice and be fair to all parties in the courthouse.

Criminal justice winds up with the defendant, if convicted, to lose their due process rights. Clearly, this is an important and significant legislation that protects all parties, but particularly when someone is subject to losing their due process rights or their freedom.

And so I support this legislation because, significantly, the bill would not impose any new requirements on prosecutors. It would simply require them

to follow the Constitution or risk being sanctioned by the court.

It is a breath of fresh air to see the Constitution being raised over and over again for the good aspects of what American democracy is all about. The pillars upon which it is built are clearly that of justice and equality and fairness in our judicial system.

Accordingly, this is a straightforward and bipartisan measure that would help our criminal justice system operate in a more effective and fair manner.

Mr. Speaker, I reserve the balance of my time.

Mr. ARMSTRONG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1380, the Due Process Protections Act.

This is a commonsense, bipartisan bill that will reinforce constitutional protections for criminal defendants.

This bill amends the Federal Rules of Criminal Procedure to require a judge to issue a Brady order, reminding prosecutors of their obligation to disclose all evidence that is material to the case, especially exculpatory evidence.

Although some judges already have a practice of issuing Brady orders, this bill will require all judges to issue it in all criminal proceedings.

Our criminal justice system falls short when key evidence is withheld by prosecutors and revealed years later at a conviction. Due process is a fundamental right of all Americans; so is the right to a fair trial, protected by the Constitution and this bill helps guarantee that fundamental right.

I urge my colleagues to join me in supporting this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend and colleague from North Dakota for his leadership.

I thank, again, the chairman and ranking member of the full committee and our subcommittee chairpersons and ranking members.

Mr. Speaker, let me just say that, as I indicated, it is with an enormous sense of pride and recognition and a breath of fresh air when we talk about the Constitution in this hallowed place, because this House and the other body are grounded in our appreciation and adherence to the Constitution.

That is what this bill is: due process protections and dealing with the Bill of Rights, and the right to due process that we find in the 14th Amendment and the Fifth Amendment. So I am delighted that the Due Process Protections Act is now recognized, and it is a commonsense, bipartisan measure.

How much better we will be when all of the judicial districts require exculpatory evidence to be presented, because then you know that you have given all parties their fair chance, and someone who might lose their liberty, you give them a fair chance by putting forward all of the evidence that may be exculpatory.

So it is narrowly tailored to ensure that Federal prosecutors simply follow the law, as they already should, in every case.

I strongly urge my colleagues to support this breath of fresh air in the recounting of the Constitution, a document that continues to live in 2020 so that it will become law and order.

Again, I ask my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 1380.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DOMESTIC TERRORISM PREVENTION ACT OF 2020

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5602) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5602

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Terrorism Prevention Act of 2020”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Recent reports have demonstrated that White supremacists and other far-right-wing extremists are the most significant domestic terrorism threat facing the United States, including—

(A) a February 22, 2019, New York Times op-ed, by a Trump Administration United States Department of Justice official, who wrote that “white supremacy and far-right extremism are among the greatest domestic-security threats facing the United States. Regrettably, over the past 25 years, law enforcement, at both the Federal and State levels, has been slow to respond. . . . Killings committed by individuals and groups associated with far-right extremist groups have risen significantly.”;

(B) an April 2017 Government Accountability Office report on the significant, lethal threat posed by domestic violent extremists, which—

(i) explained that “[s]ince September 12, 2001, the number of fatalities caused by domestic violent extremists has ranged from 1 to 49 in a given year.”; and

(ii) noted that “[F]atalities resulting from attacks by far right wing violent extremists have exceeded those caused by radical Islamist violent extremists in 10 of the 15 years, and were the same in 3 of the years since September 12, 2001. Of the 85 violent extremist incidents that resulted in death

since September 12, 2001, far right wing violent extremist groups were responsible for 62 (73 percent) while radical Islamist violent extremists were responsible for 23 (27 percent)."; and

(C) an unclassified May 2017 joint intelligence bulletin from the Federal Bureau of Investigation and the Department of Homeland Security, which found that "white supremacist extremism poses [a] persistent threat of lethal violence," and that White supremacists "were responsible for 49 homicides in 26 attacks from 2000 to 2016 . . . more than any other domestic extremist movement".

(2) Recent domestic terrorist attacks include—

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

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

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

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

(E) the November 27, 2015, mass shooting at a Planned Parenthood clinic in Colorado Springs, Colorado, in which an anti-abortion extremist shot and killed a police officer and 2 civilians;

(F) the March 20, 2017, murder of an African-American man in New York City, allegedly committed by a White supremacist who reportedly traveled to New York "for the purpose of killing black men";

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

(H) the August 12, 2017, attacks in Charlottesville, Virginia, in which—

(i) a White supremacist killed one and injured nineteen after driving his car through a crowd of individuals protesting a neo-Nazi rally, and of which former Attorney General Jeff Sessions said, "It does meet the definition of domestic terrorism in our statute."; and

(ii) a group of 6 men linked to militia or White supremacist groups assaulted an African-American man who had been protesting the neo-Nazi rally in a downtown parking garage;

(I) the July 2018 murder of an African-American woman from Kansas City, Missouri, allegedly committed by a White supremacist who reportedly bragged about being a member of the Ku Klux Klan;

(J) the October 24, 2018, shooting in Jeffersonton, Kentucky, in which a White man allegedly murdered 2 African Americans at a grocery store after first attempting to enter a church with a predominantly African-American congregation during a service;

(K) the October 27, 2018, mass shooting at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, in which a White nationalist allegedly shot and killed 11 members of the congregation;

(L) the April 27, 2019, shooting at the Chabad of Poway synagogue in California, in which a man yelling anti-Semitic slurs allegedly killed a member of the congregation and wounded 3 others;

(M) the August 3, 2019, mass shooting at a Walmart in El Paso, Texas, in which a White

supremacist with anti-immigrant views killed 22 people and injured 26 others;

(N) the December 10, 2019, shooting at a Kosher supermarket in Jersey City, New Jersey, in which 2 men with anti-Semitic views killed 3 people in the store and a law enforcement officer in an earlier encounter; and

(O) the December 28, 2019, machete attack at a Hanukkah celebration in Monsey, New York, in which a man who had expressed anti-Semitic views stabbed 5 individuals.

(3) In November 2019, the Federal Bureau of Investigation released its annual hate crime incident report, which found that in 2018, violent hate crimes reached a 16-year high. Though the overall number of hate crimes decreased slightly after three consecutive years of increases, the report found a 4-percent increase in aggravated assaults, a 15-percent increase in simple assaults, and a 13-percent increase in intimidation. There was also a nearly 6-percent increase in hate crimes directed at LGBTQ individuals and a 14-percent increase in hate crimes directed at Hispanic and Latino individuals. Nearly 60 percent of the religion-based hate crimes reported targeted American Jews and Jewish institutions. The previous year's report found that in 2017, hate crimes increased by approximately 17 percent, including a 23-percent increase in religion-based hate crimes, an 18-percent increase in race-based crimes, and a 5-percent increase in crimes directed against LGBTQ individuals. The report analyzing 2016 data found that hate crimes increased by almost 5 percent that year, including a 19-percent rise in hate crimes against American Muslims. Similarly, the report analyzing 2015 data found that hate crimes increased by 6 percent that year. Much of the 2015 increase came from a 66-percent rise in attacks on American Muslims and a 9-percent rise in attacks on American Jews. In all 4 reports, race-based crimes were most numerous, and those crimes most often targeted African Americans.

(4) On March 15, 2019, a White nationalist was arrested and charged with murder after allegedly killing 50 Muslim worshippers and injuring more than 40 in a massacre at the Al Noor Mosque and Linwood Mosque in Christchurch, New Zealand. The alleged shooter posted a hate-filled, xenophobic manifesto that detailed his White nationalist ideology before the massacre. Prime Minister Jacinda Ardern labeled the massacre a terrorist attack.

(5) In January 2017, a right-wing extremist who had expressed anti-Muslim views was charged with murder for allegedly killing 6 people and injuring 19 in a shooting rampage at a mosque in Quebec City, Canada. It was the first-ever mass shooting at a mosque in North America, and Prime Minister Trudeau labeled it a terrorist attack.

(6) On February 15, 2019, Federal authorities arrested U.S. Coast Guard Lieutenant Christopher Paul Hasson, who was allegedly planning to kill a number of prominent journalists, professors, judges, and "leftists in general". In court filings, prosecutors described Lieutenant Hasson as a "domestic terrorist" who in an email "identified himself as a White Nationalist for over 30 years and advocated for 'focused violence' in order to establish a white homeland".

(7) On November 3rd, 2019 a 24 year old man who authorities say was among masked Antifa supporters attacking conservatives at a June Demonstration in Portland, Oregon, was sentenced Friday to nearly six years in prison in connection with brutal assault. Gage Halupowski pleaded guilty to second-degree assault after authorities accused him of using a weapon against a conservative demonstrator who suffered blows to the head that the victim claims left him with a con-

cussion and cuts that required 25 staples to close.

(8) On December 12, 2019, an assailant involved in the prolonged firefight in Jersey City, NJ, that left six people dead, including one police officer, was linked on Wednesday to the Black Hebrew Israelite movement, and had public anti-Semitic posts online, a law enforcement official said.

(9) On February 8, 2020, A gunman stormed a NYPD precinct after firing at police van, wounding 2. The police commissioner called the Bronx rampage an "assassination attempt," on law enforcement.

(10) In August 2020, a juvenile armed with a semi-automatic rifle heeded the online call posted by a self-proclaimed militia group on Facebook to confront protestors in Kenosha, Wisconsin. He allegedly shot and killed two protestors and wounded a third. After the shootings, local police officers waved the alleged murderer through their lines, even after bystanders identified him as the shooter. The armed juvenile then traveled across State lines to his home.

### SEC. 3. DEFINITIONS.

In this Act—

(1) the term "Director" means the Director of the Federal Bureau of Investigation;

(2) the term "domestic terrorism" has the meaning given the term in section 2331 of title 18, United States Code, except that it does not include acts perpetrated by individuals associated with or inspired by—

(A) a foreign person or organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) an individual or organization designated under Executive Order 13224 (50 U.S.C. 1701 note); or

(C) a state sponsor of terrorism as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(3) the term "Domestic Terrorism Executive Committee" means the committee within the Department of Justice tasked with assessing and sharing information about ongoing domestic terrorism threats;

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

(5) the term "Secretary" means the Secretary of Homeland Security; and

(6) the term "uniformed services" has the meaning given the term in section 101(a) of title 10, United States Code.

### SEC. 4. OFFICES TO COMBAT DOMESTIC TERRORISM.

(a) AUTHORIZATION OF OFFICES TO MONITOR, ANALYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TERRORISM.—

(1) DOMESTIC TERRORISM UNIT.—There is authorized a Domestic Terrorism Unit in the Office of Intelligence and Analysis of the Department of Homeland Security, which shall be responsible for monitoring and analyzing domestic terrorism activity.

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

(A) which shall be responsible for investigating and prosecuting incidents of domestic terrorism; and

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

(3) DOMESTIC TERRORISM SECTION OF THE FBI.—There is authorized a Domestic Terrorism Section within the Counterterrorism

Division of the Federal Bureau of Investigation, which shall be responsible for investigating domestic terrorism activity.

(4) **STAFFING.**—The Secretary, the Attorney General, and the Director shall each ensure that each office authorized under this section in their respective agencies shall—

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

(B) have not less than 1 employee dedicated to ensuring compliance with civil rights and civil liberties laws and regulations; and

(C) require that all employees undergo annual anti-bias training.

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

(b) **JOINT REPORT ON DOMESTIC TERRORISM.**—

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

(A) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

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

(A) an assessment of the domestic terrorism threat posed by White supremacists and neo-Nazis, including White supremacist and neo-Nazi infiltration of Federal, State, and local law enforcement agencies and the uniformed services; and

(B)(i) in the first report, an analysis of incidents or attempted incidents of domestic terrorism that have occurred in the United States since April 19, 1995, including any White-supremacist-related incidents or attempted incidents; 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; and

(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 many preliminary investigations resulted from assessments;

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

(IV) domestic terrorism-related incidents, including the number of incidents from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, the number of deaths and injuries resulting from each incident, and a detailed explanation of each incident;

(V) Federal domestic terrorism-related arrests, including the number of arrests from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each arrest;

(VI) Federal domestic terrorism-related indictments, including the number of indictments from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each indictment;

(VII) Federal domestic terrorism-related prosecutions, including the number of incidents from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each prosecution;

(VIII) Federal domestic terrorism-related convictions, including the number of convictions from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each conviction; and

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

(i) an explanation of each individual case that progressed through more than 1 of the stages described under clause (i), including the specific classification or subcategory for each case.

(3) **HATE CRIMES.**—In compiling a joint report under this subsection, the domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) shall, in consultation with the Civil Rights Division of the Department of Justice and the Civil Rights Unit of the Federal Bureau of Investigation, review each hate crime incident reported during the preceding 6 months to determine whether the incident also constitutes a domestic terrorism-related incident.

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

(A) unclassified, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of the report, posted on the public websites of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

(5) **NONDUPLICATION.**—If two or more provisions of this subsection or any other law impose requirements on an agency to report or analyze information on domestic terrorism that are substantially similar, the agency shall construe such provisions as mutually supplemental, so as to provide for the most extensive reporting or analysis, and shall comply with each such requirement as fully as possible.

(c) **DOMESTIC TERRORISM EXECUTIVE COMMITTEE.**—There is authorized a Domestic Terrorism Executive Committee, which shall—

(1) meet on a regular basis, and not less regularly than 4 times each year, to coordinate with United States Attorneys and other key public safety officials across the country

to promote information sharing and ensure an effective, responsive, and organized joint effort to combat domestic terrorism; and

(2) be co-chaired by—

(A) the Domestic Terrorism Counsel authorized under subsection (a)(2)(B);

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

(C) a member of the National Security Division of the Department of Justice; and

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

(d) **FOCUS ON GREATEST THREATS.**—The domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) shall focus their limited resources on the most significant domestic terrorism threats, as determined by the number of domestic terrorism-related incidents from each category and subclassification in the joint report for the preceding 6 months required under subsection (b).

## SEC. 5. TRAINING TO COMBAT DOMESTIC TERRORISM.

(a) **REQUIRED TRAINING AND RESOURCES.**—The Secretary, the Attorney General, and the Director shall review the anti-terrorism training and resource programs of their respective agencies that are provided to Federal, State, local, and Tribal law enforcement agencies, including the State and Local Anti-Terrorism Program that is funded by the Bureau of Justice Assistance of the Department of Justice, and ensure that such programs include training and resources to assist State, local, and Tribal law enforcement agencies in understanding, detecting, deterring, and investigating acts of domestic terrorism and White supremacist and neo-Nazi infiltration of law enforcement and corrections agencies. The domestic-terrorism training shall focus on the most significant domestic terrorism threats, as determined by the quantitative analysis in the joint report required under section 4(b).

(b) **REQUIREMENT.**—Any individual who provides domestic terrorism training required under this section shall have—

(1) expertise in domestic terrorism; and

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

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act and twice each year thereafter, the Secretary, the Attorney General, and the Director shall each submit a biannual report to the committees of Congress described in section 4(b)(1) on the domestic terrorism training implemented by their respective agencies under this section, which shall include copies of all training materials used and the names and qualifications of the individuals who provide the training.

(2) **CLASSIFICATION AND PUBLIC RELEASE.**—Each report submitted under paragraph (1) shall be—

(A) unclassified, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of each report, posted on the public website of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

## SEC. 6. INTERAGENCY TASK FORCE.

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

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the interagency task force is established

under subsection (a), the Attorney General, the Director, the Secretary, and the Secretary of Defense shall submit a joint report on the findings of the task force and the response of the Attorney General, the Director, the Secretary, and the Secretary of Defense to such findings, to—

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

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

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

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

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

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

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

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

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

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

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

#### SEC. 7. DEPARTMENT OF JUSTICE SUPPORT FOR HATE CRIME INCIDENTS WITH A NEXUS TO DOMESTIC TERRORISM.

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

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

“(e) FEDERAL BUREAU OF INVESTIGATION.—The Attorney General, acting through the Director of the Federal Bureau of Investigation, shall assign a special agent or hate crimes liaison to each field office of the Federal Bureau of Investigation to investigate hate crimes incidents with a nexus to domestic terrorism (as such term is defined in section 3 of the Domestic Terrorism Prevention Act of 2020).”

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON LEE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

First, I certainly want to thank all of the sponsors of this bill, and I thank Mr. SCHNEIDER for all of the important work that has been done on this legislation.

With the consideration of H.R. 5602, the Domestic Terrorism Prevention Act, the House takes affirmative steps in this time to address the rising menace of domestic terrorism and white supremacy.

This bill creates three offices, one each within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to monitor, investigate, and prosecute cases of domestic terrorism.

These newly created offices would focus their resources based on data collected on the most significant threats with specific emphasis on white supremacist terrorism. Additionally, pursuant to this bill, DOJ and DHS would issue joint biennial reports to Congress assessing the state of domestic terrorism threats.

Let me say, Mr. Speaker, that this legislation is not based on a whim. It is not based on someone's taste or distaste; likes or dislikes. This is based on facts. And as we continue to view the modeling of domestic terrorism, we will begin to continue to respond to it legislatively. But now we have a solid base of information dealing with the issues of growing white supremacy.

The creation of these offices and congressional reporting are much-needed measures to refocus the Federal Government's domestic terrorism efforts on the greatest threat to the American people: white supremacy and white nationalism.

In April of last year, the Judiciary Committee held a hearing titled: “Hate Crimes and the Rise of White Nationalism.” Sadly, since then there have been countless domestic terrorism attacks.

The shooting spree at a Walmart in El Paso, Texas, in August of 2019 was the deadliest attack in modern times against the Latino community in the United States and the third deadliest act of violence by domestic terrorism extremists in more than 50 years.

I joined my colleagues who represented that area, and the pain that they experienced was without comparison. I went to a funeral. I went to the memorial. I went to where the place was that had been set up as a temporary place of honor. The pain was unceasing in that community. And just a few months ago, they had to commemorate the bitterness of 1 year.

I also went to the hospital and visited individuals who had put themselves in the line of fire to protect others. I think since that time one person, in particular, has passed away.

This was a painful experience, and I can imagine that it will be painful for a very long time.

In the last decade, places of worship, a Sikh temple in Milwaukee, the Emanuel African Methodist Episcopal Church, Mother Emanuel, where the victims who remained alive actually forgave the perpetrator who came and sat down and prayed; sat among people who were praying, who welcomed him. They lost a distinguished pastor and people who were so kind. People could not understand why they lost their lives. Thousands came to the memorial, and, of course, our President at that time, President Obama. That is how painful it was for this Nation.

Then, of course, Pittsburgh's Tree of Life synagogue. I visited Pittsburgh, Pennsylvania, and met individuals who had been impacted by this horrific tragedy. In the midst of Rosh Hashanah, to our friends who are in the midst of their holiday, it is more than fitting that we acknowledge how domestic terrorism can divide so many communities, so many innocent communities, whether they happen to be of a particular faith, a particular ethnicity, or a particular status.

We have seen all of this become tragic symbols of deadly threats a white supremacist poses even to the faith community.

Just last Thursday in a committee that I participated in, FBI Director Christopher Wray—the Homeland Security Committee—once again stated that white supremacists constitute the largest portion of racially motivated violent extremists.

In the same vein, before the House Homeland Security Committee, Director Wray testified that antigovernment and antiauthority groups have been responsible for the most lethal attacks this year. We know that. So we want to be sure that we are protecting the American people.

None of us adhere to extremism or violence. We understand peaceful protests, but we stand for the principles of democracy of this Nation that has kept us a democracy for all of these many years.

Just a few weeks ago our Nation was reminded how dangerous violent extremism can be. A rightwing militia boasting 3,000 members promoted an event on Facebook calling for patriots willing to take up arms and travel to Kenosha, Wisconsin, to confront protesters.

Tragically, hours later, a 17-year-old youth heeded the call, traveled across State lines, and is alleged to have murdered two protesters and injured a third. He has yet to be brought to justice because he is still waiting on an extradition procedure.

Yet, local police allowed this young man to safely pass through their lines and go home, despite the fact that bystanders had identified him as the shooter. That was one incident.

We have seen law enforcement take up the issues of protecting our neighbors across the Nation and in those instances, of course, we recognize good policing and we thank them for it.

The tragic events in Kenosha are yet another example of how rightwing militia groups continue to pose a present threat. Indeed, over the last decade, rightwing extremists have been responsible for 76 percent of all domestic extremist-related murders. The time for Congress to act is now.

The key elements of the Domestic Terrorism Prevention Act seek to address fundamental deficiencies highlighted at the April 2019 Judiciary Committee hearing in the Federal Government's response to domestic terrorism and specifically white supremacy.

Let me be very clear. We want a comprehensive response to terrorism. We want to rely upon our intelligence communities as it relates to international terrorism.

□ 1500

We have done so because I have been on the Homeland Security Committee for a very long time and, as well, have seen the work of the Judiciary Committee. But we must be comprehensive in looking at terrorism; we must be responsive; and we must secure and make sure the American people are safe.

Currently, the Federal Government has a number of statutory authorities to bring charges against domestic terrorists, including those who are white supremacists. Yet, it is clear that the Department of Justice has not initiated a sufficient number of these prosecutions. H.R. 5602 creates offices within the DOJ and DHS aimed at pooling the resources from all parts of each respective Department to focus them on the greatest threat of white supremacy.

The reporting elements of this bill aim to keep Congress better informed of the domestic terrorism threats presented so that Congress can more readily assess what resources and authorities are necessary to protect the country against domestic terrorist activities.

I am well aware of the work that was done in the last administration of trying to neutralize the idea of radicalizing individuals who were dealing with ISIS, al-Qaida, and others. Unfortunately, even that has been taken away from the work that we have been doing. This may be a time that that work begins to rise up as it relates to white supremacy and white nationalism.

This legislation is a necessary and measured response to the real threats this country faces.

Mr. Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

Mr. ARMSTRONG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at a time when violent extremists are destroying cities nationwide, our Democratic colleagues here in the House continue to ignore this violence. The chairman of the Judiciary Committee even called Antifa

violence a myth and imaginary. Instead of addressing violent leftwing extremism head-on, my colleagues across the aisle only want to use this bill for political purposes. They are not interested in passing legislation that would make any real difference in rooting out violence in our communities.

Democrats are unable to call out the violent anarchists who are burning down cities all around the country. Instead, they seem to want to paint a picture that ties only conservatives to domestic terrorism. Not only is this bill blatantly political on its face, but it increases our already bloated bureaucracy by adding three new separate offices to do the exact same thing. That is the very definition of duplication and government waste.

We already have dedicated law enforcement who fight domestic terrorism every day, and we should recognize them, commend them, and let them do their jobs. Unfortunately, my colleagues across the aisle likely will not do that either.

Democrats must end the partisan charades. Democrats must stop ignoring the leftwing violence and crime that has taken over American cities. Instead of this biased approach in this bill, we should pass legislation that roots out all kinds of domestic terrorism, not just the type that is politically convenient for Democrats.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 5602, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, just one point that I want to make as I yield to the author and leader on this bill is that we are continuously fighting a known, recognized domestic terrorism. This vital bill will provide the reporting for a roadmap to do the right thing. That is what the Federal Government is challenged and charged to do.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SCHNEIDER). Congressman SCHNEIDER is a member of the Judiciary Committee and is the author of this legislation.

Mr. SCHNEIDER. Mr. Speaker, I thank my friend, the gentlewoman from Texas, for yielding.

Mr. Speaker, I am proud to rise in support of my bill, H.R. 5602, the Domestic Terrorism Prevention Act of 2020.

White supremacists and other far-right extremists are the most significant domestic terrorism threat facing the United States. Don't take my word for it. Making that point last week in testimony to the House Homeland Security Committee, FBI Director Christopher Wray stated that domestic violence extremists, DVEs, "pose a steady and evolving threat of violence and economic harm to the United States."

He notes in his next paragraph: "The top threat we face from domestic violent extremists stems from those we identify as racially/ethnically motivated violent extremists (RMVE)."

RMVEs were the primary source of ideologically motivated lethal incidents and violence in 2018 and 2019. From the Tree of Life synagogue to Walmart in El Paso, Texas, we have all tragically seen the deadly effect.

According to the Southern Poverty Law Center, the number of white nationalist groups rose by 55 percent since 2017. Last November, the FBI reported violent hate crimes reached a 16-year high in 2018, and that number went up in 2019.

Groups like the boogaloos, Rise Above Movement, and white nationalist militias across the country are organizing, and so must we. Therefore, we need to equip our law enforcement officials, the FBI, and the Departments of Justice and Homeland Security with the tools necessary to identify, monitor, and prevent acts of violent terrorism.

The bill before us today does just that. It establishes offices within the FBI, the Department of Justice, and the Department of Homeland Security and empowers them to coordinate their efforts with each other. It requires them to report to Congress twice a year on the assessment of the threats, ranking them and allocating the resources based on their assessed threats.

Congress must, with a single voice, definitively state that if you or your group is plotting violence or taking weapons—be they guns or knives or otherwise—into a crowd to intimidate or coerce others to further your ideological goals, you are a terrorist and will be treated as such.

This is not a partisan issue but one that affects all Americans' personal and economic security. This bill passed out of committee with bipartisan support overwhelmingly, 24-2.

Mr. Speaker, I urge all of my colleagues to vote "yes." This bill will make a real difference. Again, I thank the chairman and the Speaker for bringing my bill to the House today.

Ms. JACKSON LEE. Mr. Speaker, I reserve the balance of my time.

Mr. ARMSTRONG. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JORDAN), the ranking member of the Judiciary Committee.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Republicans denounce all violent extremism. Why won't the Democrats?

Weeks ago in the committee, the Attorney General of the United States asked the chairman of the Judiciary Committee, asked the Democrats, why won't you speak out against the mob? Why won't you speak out against the violence that is taking place in our great cities all across the country this past summer?

Guess what he got. Total, total silence.

We have a bill on domestic terrorism, but a bill that barely mentions Antifa, one reference.

Mr. Speaker, do you know why the one reference is in there? Because Republicans on the committee, through

Mr. STEUBE, offered an amendment in the committee.

Not mentioned in the bill are two things that have happened in the last 30 days. The cold-blooded murder of a Trump supporter by an Antifa member was not mentioned in the resolution and is not mentioned in the bill. Not mentioned in the bill is the assassination attempt on two police officers sitting in their patrol car just 2 weeks ago.

Let's condemn all violent extremism. Maybe they won't do that because, as my good friend from North Dakota said, the chairman of the House Judiciary Committee, the committee with that storied history of defending the rule of law, maybe because that individual said that Antifa is imaginary and that Antifa is a myth.

Ask Andy Ngo that, Mr. Speaker. Ask the journalist who was attacked by Antifa a year ago. Ask the people in Portland, Oregon. For over 100 days, their city has been under siege. There has been a siege on the Federal court building there by Antifa, but one reference only in their legislation, and that is only there because Mr. STEUBE offered the amendment in committee.

For over 100 days, this organization has been targeting the business owners, the people, and the residents in Portland, Oregon, and in other cities around our country. Democrats can call what has been happening to our cities all summer peaceful protests, but calling rioting, looting, and arson peaceful protests doesn't make it so.

Let's condemn all of it. We should speak out against all domestic terrorism. We should denounce the violence—the rioting, the looting, and the arson—that is taking place in our cities. We should not have another political messaging bill, which is exactly what this is.

Ms. JACKSON LEE. Mr. Speaker, would you share the time remaining, please.

The SPEAKER pro tempore. The gentlewoman from Texas has 8 minutes remaining. The gentleman from North Dakota has 16 minutes remaining.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank my good friend from Ohio for bringing to our attention something that I think is very important. Then, it allows me to say that I don't know one single person in this body who condones violent protests. I have not run into anyone in the Judiciary Committee, and I have not seen anyone on the floor on either side of the aisle. That is why this legislation is so crucial because it generated bipartisan support on the work that the Congress should do.

What is it that the Congress should do? Find a way for our agencies to work together.

In the Judiciary Committee, we had a hearing with the Attorney General on the question of domestic terrorism. In the Homeland Security Committee,

we had a hearing on the question of domestic terrorism. I think we found some, if you will, collegiality in recognizing that white supremacy and white nationalism were the greatest threat to domestic security.

I remember in this legislation the generosity of Mr. SCHNEIDER and my commitment when the committee added Mr. STEUBE's—a Republican's—amendment at markup that included findings that addressed antigovernment actors and violence against police. We passed that in a bipartisan way. I want to remind my colleagues that the legislation itself was passed in a bipartisan manner.

We have seen what happens when we undermine coordination. We see what happens when the pandemic office was dismissed out of the White House that was coordinating with agencies on COVID-19 or other pandemics. We see the confusion that we have.

This legislation is simply trying to make sure that our very fine public servants who are fighting domestic terrorism are fighting it with the best informational tools they can get.

How do they do that? With this very fine legislation that allows us to be able to get the right kind of data.

I want to just indicate a lot of things have been happening. I have watched peaceful protesters be subjected to violence. My heart goes out. Those are someone's children; they are young people; and they have a right to be protesting. They have a right, as our dear beloved colleague has always said, to speak up. John Robert Lewis always said to speak up and get into good trouble to make this Nation better.

I have not heard any Member of this body not condemn, in the strongest terms, the shooting of Los Angeles deputies and are pleased to hear that they are recovering.

I would just indicate that we need to adhere to what is right. This legislation is laying us on a pathway of getting facts and information so that we can do what is right to secure the American people.

Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. ARMSTRONG. Mr. Speaker, I was in the committee when we did this and when we accepted Republican amendments and garnered some support from people on my side of the aisle in committee. I have no doubt that my friends on the other side of the aisle condemn all kinds of violence, but somewhere between committee and here things got added to the bill.

Mr. Speaker, do you know what didn't get added? Not one mention of the horrific attack against two police officers shot at pointblank range in their patrol car. The bill did not mention the murder of a Trump supporter in Portland. But we did manage to mention the juvenile from Kenosha.

So, while the gentlewoman says she supports a certain thing or nobody condones certain things, their actions on

how this occurs show us where their priorities are. The priorities are political because we could have added all of these things.

I find it interesting and odd on the same day that we are talking about due process, rights to effective assistance of counsel, justice for juveniles, and all the election integrity and voting, we don't condemn the burning down of the post office in Minneapolis. We don't talk about these other things, but we will make sure we mention a juvenile offender in Kenosha prior to any of his court hearings being held.

We can talk about delaying justice and the administration of justice, but that is not how it reads in the bill, and that is not how it was spoken to on the floor.

Mr. Speaker, if we are going to do this, all I ask is that we are consistent. The gentlewoman can stand here and say that we condemn all forms of violence, but only one made it into the bill after committee. That is because it fits a particular political narrative, and we have no interest in actually rooting out domestic terrorism wherever it exists. We want to make sure it fits a particular narrative. That is what this bill is about, and that is why we should oppose it.

Mr. Speaker, I yield back the balance of my time.

□ 1515

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his commentary, but I am going to rise and ask my colleagues to support this legislation in a bipartisan manner.

As indicated—I would correct my friend's interpretation—Mr. STEUBE's amendment was added in the markup and the findings at that time addressed antigovernment actors and violence against police. We made it very clear, and it was bipartisan, that we condemn violence of any kind.

But what I would say as well is that the simple addition as it relates to Kenosha was in sharp contrast to the visual, the video, of a direct skin contact shooting of an individual whose back was turned, and then the call across the Nation for white supremacists and white nationalists to come and defend.

Defend what?

There was law enforcement there. I think the governor had even asked for the Wisconsin National Guard to safeguard everyone.

But here was someone that came—a teenager. I am grateful that he remained alive; grateful. But he walked with guns, and is alleged to have killed, harmed, three people at least, never was confronted by officers, of course, to our knowledge, and got home to sleep in his bed.

On the other hand, Jacob Blake, whose father I met, wound up in ICU, wound up paralyzed, a victim in the Kenosha shootings.

And so it is crucial that we get the facts of what this legislation wants to



do, and that we don't get a young man from Illinois versus another young man from Ohio, who was 12 years old—Tamir Rice—who didn't get to go home. We want to make sure that we have fairness.

Mr. Speaker, as I said, I am very concerned about the shootings of these individuals, the Los Angeles deputies. We don't know the motives of the assailants. It remains unknown. But we continue to seek justice for them, and we want to make sure that the threat of white supremacists and domestic terrorism is known.

Mr. Speaker, this bill directs that directly and I think it will provide for a very important tool for our law enforcement—unbiased—without any effort to try and stigmatize anyone.

Mr. Speaker, in closing, domestic terrorism is a serious threat to our country. We must take real action to address the rise of hate crimes and white supremacy. This legislation would address the rising tide of white supremacy without impinging on constitutional rights.

It reflects a careful balance between empowering the investigatory agencies of the Federal Government to curb hateful and dangerous incidents of domestic terrorism and protecting the rights of free speech and assembly.

Mr. Speaker, I thank Representative BRAD SCHNEIDER for his leadership and his diligent work on this important legislation during this Congress. We will be better for the passage of this legislation. The Nation will be better. It is critical that we adopt this bill.

Mr. Speaker, I ask my colleagues to support this bipartisan legislation, passed out of the Committee on the Judiciary in a bipartisan vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, H.R. 5602, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## STRENGTHENING THE OPPOSITION TO FEMALE GENITAL MUTILATION ACT OF 2020

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6100) to amend title 18, United States Code, to clarify the criminalization of female genital mutilation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6100

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Opposition to Female Genital Mu-

tilation Act of 2020” or the “STOP FGM Act of 2020”.

### SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

The Congress finds the following:

(1) Female genital mutilation is recognized internationally as a human rights violation and a form of child abuse, gender discrimination, and violence against women and girls. Female genital mutilation is a global problem whose eradication requires international cooperation and enforcement at the national level. The United States should demonstrate its commitment to the rights of women and girls by leading the way in the international community in banning this abhorrent practice.

(2) Congress has previously prohibited the commission of female genital mutilation on minors. Female genital mutilation is a heinous practice that often inflicts excruciating pain on its victims and causes them to suffer grave physical and psychological harm.

(3) Congress has the power under article I, section 8 of the Constitution to make all laws which shall be necessary and proper for carrying into execution treaties entered into by the United States.

(4) Congress also has the power under the Commerce Clause to prohibit female genital mutilation. An international market for the practice exists, and persons who perform female genital mutilation in other countries typically earn a living from doing so.

(5) Those who perform this conduct often rely on a connection to interstate or foreign commerce, such as interstate or foreign travel, the transmission or receipt of communications in interstate or foreign commerce, the use of instruments traded in interstate or foreign commerce, or payments of any kind in furtherance of this conduct.

(6) Amending the statute to specify a link to interstate or foreign commerce would confirm that Congress has the affirmative power to prohibit this conduct.

### SEC. 3. AMENDMENTS TO CURRENT LAW ON FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) Except as provided in subsection (b), whoever, in any circumstance described in subsection (d), knowingly—

“(1) performs, attempts to perform, or conspires to perform female genital mutilation on another person who has not attained the age of 18 years;

“(2) being the parent, guardian, or caretaker of a person who has not attained the age of 18 years facilitates or consents to the female genital mutilation of such person; or

“(3) transports a person who has not attained the age of 18 years for the purpose of the performance of female genital mutilation on such person, shall be fined under this title, imprisoned not more than 10 years, or both.”;

(2) by amending subsection (c) to read as follows:

“(c) It shall not be a defense to a prosecution under this section that female genital mutilation is required as a matter of religion, custom, tradition, ritual, or standard practice.”;

(3) by striking subsection (d); and

(4) by adding at the end the following:

“(d) For the purposes of subsection (a), the circumstances described in this subsection are that—

“(1) the defendant or victim traveled in interstate or foreign commerce, or traveled using a means, channel, facility, or instrumentality of interstate or foreign commerce, in furtherance of or in connection with the conduct described in subsection (a);

“(2) the defendant used a means, channel, facility, or instrumentality of interstate or foreign commerce in furtherance of or in connection with the conduct described in subsection (a);

“(3) any payment of any kind was made, directly or indirectly, in furtherance of or in connection with the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce;

“(4) the defendant transmitted in interstate or foreign commerce any communication relating to or in furtherance of the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means or in manner, including by computer, mail, wire, or electromagnetic transmission;

“(5) any instrument, item, substance, or other object that has traveled in interstate or foreign commerce was used to perform the conduct described in subsection (a);

“(6) the conduct described in subsection (a) occurred within the special maritime and territorial jurisdiction of the United States, or any territory or possession of the United States; or

“(7) the conduct described in subsection (a) otherwise occurred in or affected interstate or foreign commerce.

“(e) For purposes of this section, the term ‘female genital mutilation’ means any procedure performed for non-medical reasons that involves partial or total removal of, or other injury to, the external female genitalia, and includes—

“(1) a clitoridectomy or the partial or total removal of the clitoris or the prepuce or clitoral hood;

“(2) excision or the partial or total removal (with or without excision of the clitoris) of the labia minora or the labia majora, or both;

“(3) infibulation or the narrowing of the vaginal opening (with or without excision of the clitoris); or

“(4) other procedures that are harmful to the external female genitalia, including pricking, incising, scraping, or cauterizing the genital area.”.

### SEC. 4. REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, and the Secretary of Education, shall submit to Congress a report that includes—

(1) an estimate of the number of women and girls in the United States at risk of or who have been subjected to female genital mutilation;

(2) the protections available and actions taken, if any, by Federal, State, and local agencies to protect such women and girls; and

(3) the actions taken by Federal agencies to educate and assist communities and key stakeholders about female genital mutilation.

### SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States District Court for the Eastern District of Michigan erred in invalidating the prior version of such section 116 (See *United States v. Nagarwala*, 350 F. Supp. 3d 613, 631 (E.D. Mich. 2018)). The commercial nature of female genital mutilation (hereinafter in this section referred to as “FGM”) is “self-evident,” meaning that the “absence of