

Calendar No. 371

117TH CONGRESS
2^D SESSION**H. R. 350**

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 17), 2022

Received; read the first time

MAY 19, 2022

Read the second time and placed on the calendar

AN ACT

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

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

3 (2) the term “domestic terrorism” has the
4 meaning given the term in section 2331 of title 18,
5 United States Code;

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

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

15 (5) the term “Secretary” means the Secretary
16 of Homeland Security; and

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

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

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

24 (1) DOMESTIC TERRORISM UNIT.—There is au-
25 thorized a Domestic Terrorism Unit in the Office of

1 Intelligence and Analysis of the Department of
2 Homeland Security, which shall be responsible for
3 monitoring and analyzing domestic terrorism activ-
4 ity.

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

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

12 (B) which shall be headed by the Domestic
13 Terrorism Counsel; and

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

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

23 (4) STAFFING.—The Secretary, the Attorney
24 General, and the Director shall each ensure that

1 each office authorized under this section in their re-
2 spective agencies shall—

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

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

8 (C) require that all employees undergo an-
9 nual anti-bias training.

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

13 (b) JOINT REPORT ON DOMESTIC TERRORISM.—

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

23 (A) the Committee on the Judiciary, the
24 Committee on Homeland Security and Govern-

1 mental Affairs, and the Select Committee on
2 Intelligence of the Senate; and

3 (B) the Committee on the Judiciary, the
4 Committee on Homeland Security, and the Per-
5 manent Select Committee on Intelligence of the
6 House of Representatives.

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

9 (A) an assessment of the domestic ter-
10 rorism threat posed by White supremacists and
11 neo-Nazis, including White supremacist and
12 neo-Nazi infiltration of Federal, State, and
13 local law enforcement agencies and the uni-
14 formed services; and

15 (B)(i) in the first report, an analysis of in-
16 cidents or attempted incidents of domestic ter-
17 rorism that have occurred in the United States
18 since April 19, 1995, including any White-su-
19 premacist-related incidents or attempted inci-
20 dents; and

21 (ii) in each subsequent report, an analysis
22 of incidents or attempted incidents of domestic
23 terrorism that occurred in the United States
24 during the preceding 6 months, including any

1 White-supremacist-related incidents or at-
2 tempted incidents;

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

5 (i) the number of—

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

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

24 (III) domestic terrorism-related
25 full investigations initiated by the

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

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

19 (V) Federal domestic terrorism-
20 related arrests, including the number
21 of arrests from each classification and
22 subcategory, with a specific classifica-
23 tion or subcategory for those related
24 to White supremacy, and a detailed
25 explanation of each arrest;

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

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

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

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

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

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

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

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

23 (3) HATE CRIMES.—In compiling a joint report
24 under this subsection, the domestic terrorism offices
25 authorized under paragraphs (1), (2), and (3) of

1 subsection (a) shall, in consultation with the Civil
2 Rights Division of the Department of Justice and
3 the Civil Rights Unit of the Federal Bureau of In-
4 vestigation, review each Federal hate crime charge
5 and conviction during the preceding 6 months to de-
6 termine whether the incident also constitutes a do-
7 mestic terrorism-related incident.

8 (4) 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 (5) NONDUPLICATION.—If two or more provi-
20 sions of this subsection or any other law impose re-
21 quirements on an agency to report or analyze infor-
22 mation on domestic terrorism that are substantially
23 similar, the agency may produce one report that
24 complies with each such requirement as fully as pos-
25 sible.

1 (c) DOMESTIC TERRORISM EXECUTIVE COM-
2 MITTEE.—There is authorized a Domestic Terrorism Ex-
3 ecutive Committee, which shall meet on a regular basis,
4 and not less regularly than 4 times each year, to coordi-
5 nate with United States Attorneys and other key public
6 safety officials across the country to promote information
7 sharing and ensure an effective, responsive, and organized
8 joint effort to combat domestic terrorism.

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

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

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

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

12 (b) REQUIREMENT.—Any individual who provides do-
13 mestic terrorism training required under this section shall
14 have—

- 15 (1) expertise in domestic terrorism; and
16 (2) relevant academic, law enforcement, or
17 other community-based experience in matters related
18 to domestic terrorism.

19 (c) REPORT.—

- 20 (1) IN GENERAL.—Not later than 6 months
21 after the date of enactment of this Act and twice
22 each year thereafter, the Secretary, the Attorney
23 General, and the Director shall each submit a bian-
24 nual report to the committees of Congress described
25 in section 3(b)(1) on the domestic terrorism training

1 implemented by their respective agencies under this
2 section, which shall include copies of all training ma-
3 terials used and the names and qualifications of the
4 individuals who provide the training.

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

7 (A) be unclassified, to the greatest extent
8 possible, with a classified annex only if nec-
9 essary;

10 (B) in the case of the unclassified portion
11 of each report, be posted on the public website
12 of the Department of Homeland Security, the
13 Department of Justice, and the Federal Bureau
14 of Investigation; and

15 (C) include the number of Federal inci-
16 dents, investigations, arrests, indictments, pros-
17 ecutions, and convictions with respect to a false
18 report of domestic terrorism or hate crime inci-
19 dent.

20 **SEC. 5. INTERAGENCY TASK FORCE.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Attorney General, the
23 Director, the Secretary, and the Secretary of Defense shall
24 establish an interagency task force to analyze and combat

1 White supremacist and neo-Nazi infiltration of the uni-
2 formed services and Federal law enforcement agencies.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the interagency task force is established under sub-
6 section (a), the Attorney General, the Secretary, and
7 the Secretary of Defense shall submit a joint report
8 on the findings of the task force and the response
9 of the Attorney General, the Secretary, and the Sec-
10 retary of Defense to such findings, to—

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

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

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

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

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

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

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

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

3 (2) CLASSIFICATION AND PUBLIC RELEASE.—

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

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

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

14 **SEC. 6. FEDERAL SUPPORT FOR ADDRESSING HATE CRIME**
15 **INCIDENTS WITH A NEXUS TO DOMESTIC**
16 **TERRORISM.**

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

1 (b) FEDERAL BUREAU OF INVESTIGATION.—Section
2 249 of title 18, United States Code, is amended by adding
3 at the end the following:

4 “(f) FEDERAL BUREAU OF INVESTIGATION.—The
5 Attorney General, acting through the Director of the Fed-
6 eral Bureau of Investigation, shall assign a special agent
7 or hate crimes liaison to each field office of the Federal
8 Bureau of Investigation to investigate hate crimes inci-
9 dents with a nexus to domestic terrorism (as such term
10 is defined in section 2 of the Domestic Terrorism Preven-
11 tion Act of 2022).”.

12 **SEC. 7. RULE OF CONSTRUCTION.**

13 Nothing in this Act, or any amendment made by this
14 Act, may be construed to authorize the infringement or
15 violation of any right protected under the First Amend-
16 ment to the Constitution of the United States or an appli-
17 cable provision of Federal law.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the De-
20 partment of Justice, the Federal Bureau of Investigation,
21 the Department of Homeland Security, and the Depart-
22 ment of Defense such sums as may be necessary to carry
23 out this Act.

Passed the House of Representatives May 18, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.

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2^D SESSION

H. R. 350

AN ACT

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.

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