AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5602
OFFERED BY Mr. Nadler

Strike all that follows after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) Recent reports have demonstrated that

7 White supremacists and other far-right-wing extremist

8 are the most significant domestic terrorism

9 threat facing the United States, including—

10 (A) a February 22, 2019, New York Times

11 op-ed, by a Trump Administration United

12 States Department of Justice official, who

13 wrote that “white supremacy and far-right ex-

14 tremism are among the greatest domestic-secur-

15 ity threats facing the United States. Regret-

16 tably, over the past 25 years, law enforcement,

17 at both the Federal and State levels, has been

18 slow to respond. . . . Killings committed by in-
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 pro-
testing 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
Jeffersontown, 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-Am-
ERICAN 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 al-
legedly shot and killed 11 members of the con-
gregation;

(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 Jer-
sey, in which 2 men with anti-Semitic views
killed 3 people in the store and a law enforce-
ment officer in an earlier encounter; and

(O) the December 28, 2019, machete at-
tack 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 consecu-
tive years of increases, the report found a 4-percent
increase in aggravated assaults, a 15-percent in-
crease in simple assaults, and a 13-percent increase
in intimidation. There was also a nearly 6-percent
increase in hate crimes directed at LGBTQ individ-
uals 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.”.

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) **BIANNUAL 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 supremacy, 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 supremacy, 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...
tion or subcategory for those related to White supremacy, 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 supremacy, 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 supremacy, 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 supremacy,
and a detailed explanation of each
prosecution;

(VIII) Federal domestic terror-
ism-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 expla-
nation 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

(ii) an explanation of each individual
case that progressed through more than 1
of the stages described under clause (i), in-
cluding the specific classification or sub-
category 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 de-
termined by the number of domestic terrorism-related inci-
dents from each category and subclassification in the joint
report for the preceding 6 months required under sub-
section (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, includ-
ing the State and Local Anti-Terrorism Program that is
funded by the Bureau of Justice Assistance of the Depart-
ment of Justice, and ensure that such programs include
training and resources to assist State, local, and Tribal
law enforcement agencies in understanding, detecting, de-
terring, and investigating acts of domestic terrorism and
White supremacist and neo-Nazi infiltration of law en-
forcement and corrections agencies. The domestic-ter-
rorism training shall focus on the most significant domes-
tic 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 biennial 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 Depart-
1 ment of Defense such sums as may be necessary to carry
2 out this Act.