

117TH CONGRESS  
1ST SESSION

# H. R. 4038

To direct the Director of National Intelligence to submit to Congress an intelligence assessment on threats to the United States associated with foreign violent White supremacist extremist organizations.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2021

Mr. CARSON (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

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## A BILL

To direct the Director of National Intelligence to submit to Congress an intelligence assessment on threats to the United States associated with foreign violent White supremacist extremist organizations.

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. INTELLIGENCE ASSESSMENT AND REPORTS ON**  
4 **VIOLENT TRANSNATIONAL WHITE SUPREMA-**  
5 **CIST EXTREMISM.**

6 (a) INTELLIGENCE ASSESSMENT.—

7 (1) REQUIREMENT.—Not later than 120 days  
8 after the date of the enactment of this Act, the Di-

1 rector of National Intelligence, acting through the  
2 Director of the National Counterterrorism Center, in  
3 coordination with the Director of the Federal Bu-  
4 reau of Investigation and the Under Secretary of  
5 Homeland Security for Intelligence and Analysis,  
6 and in consultation with other relevant Federal de-  
7 partments and agencies, shall submit to the appro-  
8 priate congressional committees an intelligence as-  
9 sessment on threats to the United States associated  
10 with foreign violent White supremacist extremist or-  
11 ganizations.

12 (2) ELEMENTS.—The assessment under para-  
13 graph (1) shall include the following:

14 (A) A list of foreign violent White su-  
15 premacist extremist organizations.

16 (B) With respect to each such organiza-  
17 tion—

18 (i) an overview of the membership,  
19 ideology, and activities;

20 (ii) a description of any transnational  
21 links to the United States or United States  
22 persons;

23 (iii) a description of the leadership,  
24 plans, intentions, and capabilities;

1 (iv) whether (and if so, to what ex-  
2 tent) foreign governments or their proxies  
3 provide any manner of support to such or-  
4 ganizations, including a list of each such  
5 foreign government or proxy;

6 (v) a description of the composition  
7 and characteristics of the members and  
8 support networks, including whether (and  
9 if so, to what extent) the members are also  
10 a part of a military, security service, or po-  
11 lice;

12 (vi) a description of financing and  
13 other forms of material support;

14 (vii) an assessment of trends and pat-  
15 terns relative to communications, travel,  
16 and training (including whether and to  
17 what extent the organization is engaged in  
18 or facilitating military or paramilitary  
19 training);

20 (viii) an assessment of the  
21 radicalization and recruitment, including  
22 an analysis of the extremist messaging mo-  
23 tivating members and supporters; and

24 (ix) whether (and if so, to what ex-  
25 tent) foreign governments have sufficient

1 laws and policies to counter threats to the  
2 United States associated with the organi-  
3 zation, including best practices and gaps.

4 (C) An assessment of the status and extent  
5 of information sharing, intelligence partner-  
6 ships, foreign police cooperation, and mutual  
7 legal assistance between the United States and  
8 foreign governments relative to countering  
9 threats to the United States associated with  
10 foreign violent White supremacist extremist or-  
11 ganizations.

12 (D) An assessment of intelligence gaps and  
13 recommendations on how to remedy such gaps.

14 (E) An opportunity analysis regarding  
15 countering such threats, including, at a min-  
16 imum, with respect to mitigating and disrupting  
17 the transnational nexus.

18 (3) STANDARDS.—The intelligence assessment  
19 under paragraph (1) shall be conducted in a manner  
20 that meets the analytic integrity and tradecraft  
21 standards of the intelligence community.

22 (4) FORM AND PUBLIC RELEASE.—The intel-  
23 ligence assessment under paragraph (1) shall be  
24 submitted in unclassified form, but may include a  
25 classified annex in electronic form that is fully in-

1       dexed and searchable. In carrying out this para-  
2       graph, the officials specified in paragraph (1)  
3       shall—

4               (A) ensure that the assessment is unclassi-  
5       fied to the extent possible;

6               (B) make the unclassified assessment pub-  
7       licly available on the internet websites of the of-  
8       ficials—

9                   (i) by not later than 30 days after  
10       submission to the appropriate congress-  
11       sional committees; and

12                   (ii) in an electronic format that is  
13       fully indexed and searchable; and

14               (C) ensure that the assessment is drafted  
15       in a way to maximize the ability to share the  
16       assessment, including the classified annex, with  
17       the entities under paragraph (5).

18       (5) SHARING.—Consistent with the protection  
19       of classified information, the Director of National  
20       Intelligence, acting through the Director of the Na-  
21       tional Counterterrorism Center, in coordination with  
22       the Director of the Federal Bureau of Investigation  
23       and the Under Secretary of Homeland Security for  
24       Intelligence and Analysis, shall share the intelligence  
25       assessment under paragraph (1) with—

1 (A) appropriate Federal departments and  
2 agencies;

3 (B) Joint Terrorism Task Forces and the  
4 Domestic Terrorism-Hate Crimes Fusion Cell  
5 of the Federal Bureau of Investigation;

6 (C) State, local, and Tribal law enforce-  
7 ment officials, including officials who operate  
8 within State, local, and regional fusion centers  
9 through the Department of Homeland Security  
10 State, Local, and Regional Fusion Center Ini-  
11 tiative established in accordance with section  
12 210A of the Homeland Security Act of 2002 (6  
13 U.S.C. 124h); and

14 (D) appropriate foreign governments, in-  
15 cluding foreign intelligence services and foreign  
16 police, and international institutions, that part-  
17 ner with the United States on countering  
18 threats associated with foreign violent White  
19 supremacist extremist organizations.

20 (b) REPORT.—

21 (1) REQUIREMENT.—Not later than 150 days  
22 after the date of the enactment of this Act, the Di-  
23 rector of National Intelligence (acting through the  
24 Director of the National Counterterrorism Center),  
25 in coordination with the Secretary of State, the Sec-

1       retary of the Treasury, the Attorney General, the  
2       Secretary of Homeland Security, and in a manner  
3       consistent with the authorities and responsibilities of  
4       such Secretary or Director, shall submit to the ap-  
5       propriate congressional committees a report on the  
6       use of Federal laws, regulations, and policies by the  
7       Federal Government to counter threats to the  
8       United States and United States persons associated  
9       with foreign violent White supremacist extremist or-  
10      ganizations.

11           (2) ELEMENTS.—The report under paragraph  
12      shall include the following:

13           (A) An identification, description, and as-  
14      sessment of the use and efficacy of, Federal  
15      laws, regulations, and policies used by the Fed-  
16      eral Government to address threats to the  
17      United States and United States persons asso-  
18      ciated with foreign violent White supremacist  
19      extremist organizations, including pursuant  
20      to—

21           (i) section 1016 of the Intelligence  
22      Reform and Terrorism Prevention Act of  
23      2004 (6 U.S.C. 485) and section 119 of  
24      the National Security Act of 1949 (50  
25      U.S.C. 3056), particularly with respect to

1 the coordination and integration of all in-  
2 struments of national power;

3 (ii) Executive Order 12333 (50 U.S.C.  
4 3001 note), as amended;

5 (iii) the designation of foreign ter-  
6 rorist organizations under section 219 of  
7 the Immigration and Nationality Act (8  
8 U.S.C. 1189);

9 (iv) the designation of specially des-  
10 ignated terrorists, specially designated  
11 global terrorists, or specially designated  
12 nationals and blocked persons, pursuant to  
13 Executive Orders 13886, 13372, and  
14 13224 and parts 594, 595, 596, and 597  
15 of title 31, Code of Federal Regulations;

16 (v) National Security Presidential  
17 Memorandums 7 and 9, particularly with  
18 respect to the sharing of terrorism infor-  
19 mation and screening and vetting activi-  
20 ties; and

21 (vi) any other applicable Federal laws,  
22 regulations, or policies.

23 (B) An assessment of whether (and if so,  
24 to what extent and why) such Federal laws,  
25 regulations, and policies are sufficient to

1 counter such threats, including a description of  
2 any gaps and specific examples to illustrate  
3 such gaps.

4 (C) Recommendations regarding how to  
5 remedy the gaps under subparagraph (B).

6 (3) PRIVACY AND CIVIL LIBERTIES ASSESS-  
7 MENT.—Not later than 180 days after the date of  
8 the enactment of this Act, the Privacy and Civil Lib-  
9 erties Oversight Board, in consultation with the civil  
10 liberties and privacy officers of the Federal depart-  
11 ments and agencies the Board determines appro-  
12 priate, shall submit to the appropriate congressional  
13 committees a report containing—

14 (A) an assessment of the impacts on the  
15 privacy and civil liberties of United States per-  
16 sons concerning the use or recommended use of  
17 any Federal laws, regulations, and policies spec-  
18 ified in paragraph (2); and

19 (B) recommendations on options to develop  
20 protections to mitigate such impacts.

21 (4) FORM AND PUBLIC RELEASE.—The reports  
22 under paragraphs (1) and (2) shall be submitted in  
23 unclassified form, but may include a classified annex  
24 in electronic form that is fully indexed and search-

1 able. In carrying out this paragraph, the officials re-  
2 sponsible for submitting such reports shall—

3 (A) ensure that the reports are unclassified  
4 to the extent possible; and

5 (B) make the unclassified reports publicly  
6 available on the internet websites of the offi-  
7 cials—

8 (i) by not later than 30 days after  
9 submission to the appropriate congress-  
10 sional committees; and

11 (ii) in an electronic format that is  
12 fully indexed and searchable.

13 (c) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
15 TEES.—The term “appropriate congressional com-  
16 mittees” means—

17 (A) the Permanent Select Committee on  
18 Intelligence, the Committee on Homeland Secu-  
19 rity, the Committee on Foreign Affairs, and the  
20 Committee on the Judiciary of the House of  
21 Representatives; and

22 (B) the Select Committee on Intelligence,  
23 the Committee on Homeland Security and Gov-  
24 ernmental Affairs, the Committee on Foreign

1 Affairs, and the Committee on the Judiciary of  
2 the Senate.

3 (2) FOREIGN VIOLENT WHITE SUPREMACIST  
4 EXTREMIST ORGANIZATION.—The term “foreign vio-  
5 lent White supremacist extremist organization”  
6 means an organization, such as a neo-Nazi or racist  
7 skinhead group or militia, with a substantial compo-  
8 nent based outside the United States, that is en-  
9 gaged in the planning or execution of racially or eth-  
10 nically motivated acts of terrorism or other targeted  
11 violence motivated by White supremacist extremism,  
12 particularly against immigrants or individuals per-  
13 ceived to be immigrants, African Americans or other  
14 people of African descent, Jews, Muslims, or other  
15 people perceived to be ethnic minorities or otherwise  
16 not perceived to be White.

17 (3) TERRORISM INFORMATION.—The term “ter-  
18 rorism information” has the meaning given that  
19 term in section 1016(a) of the Intelligence Reform  
20 and Terrorism Prevention Act of 2004 (6 U.S.C.  
21 485(a)).

22 (4) UNITED STATES PERSON.—The term  
23 “United States person” has the meaning given that

1 term in section 105A(c) of the National Security Act  
2 of 1947 (50 U.S.C. 3039).

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