AMENDMENT TO RULES COMMITTEE PRINT 117–13

OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Add at the end of title LX the following:

SEC. _____. FOREIGN VIOLENT EXTREMIST ORGANIZATIONS REPORT.

(a) IN GENERAL.—The Secretary of State, in coordination with the Attorney General, the Director of National Intelligence, the Secretary of Treasury, the Secretary of Defense, and the Secretary of Homeland Security, shall seek to combat the threat of foreign violent white supremacist extremist organizations, including through designating groups that meet the criteria of Specially-Designated Global Terrorist Groups pursuant to Executive Order 13224 and foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C 1189).

(b) REPORT.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign violent white supremacist extremist organization has met the criteria for designation as a Specially-Designated Global Terrorist
Group or foreign terrorist organization, the Secretary of State shall—

(1) determine if that group meets the criteria for designation; and

(2) transmit an unclassified report with a classified annex to the chairperson and ranking member of the appropriate committees with respect to that determination that includes—

(A) a statement of whether the Secretary has designated;

(B) in the case that the Secretary has designated the group—

(i) whether the group shall be designated as a Specially Designated Terrorist Group or foreign terrorist organization;

(ii) whether any other nation has designated the group as a terrorist organization;

(iii) whether a foreign agent or government has encouraged or in any way facilitated violent attacks against United States nationals, the United States, or United States interests; and

(iv) efforts by the Secretary to encourage the governments of other countries
to designate such groups in a manner that
is substantially similar to the manner in
which designations are made under Execu-
tive Order 13224 or section 219 of the Im-
migration and Nationality Act (8 U.S.C.
1189);

(C) in the case that the Secretary has not
designated the group—

(i) the factual basis for the decision
not to designate the group;

(ii) whether substantial ties to the
United States was a factor for non-des-
ignation; and

(iii) any other rationale for not desig-
nating the group.

(e) WRITTEN NOTICE OF CONSIDERATION.—In the
case that the Secretary of State is still considering the
designation of a group, and the publication of that consid-
eration would interfere with a deliberative process or ongo-
ing investigation, an indication of that fact shall be pro-
vided to the appropriate congressional committees as a
written notification, and subsequently, a report describing
the outcome shall be provided to the appropriate congres-
sional committees, either within 7 days of the Secretary’s
decision on the designation of the group or not more than
90 additional days after the initial notification, whichever occurs first.

(d) DEFINITIONS.—In this section:

(1) FOREIGN VIOLENT WHITE SUPREMACIST EXTREMIST ORGANIZATION.—The term “foreign violent white supremacist extremist organization” means an organization, such as a neo-Nazi or racist skinhead group or militia, with a substantial component based outside the United States, that is engaged in the commission of racially, ethnically, or religiously motivated acts of terrorist violence motivated by white supremacist extremism, particularly against immigrants or individuals perceived to be immigrants, African Americans or other people of African descent, Jews, Muslims, or other people perceived to be racial, ethnic, or religious minorities or not perceived to be white.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs; the Senate Select Committee on Intelligence, the Committee on
the Judiciary, and the Committee on Armed Services of the Senate; and

(B) the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on the Judiciary, the House Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on Armed Services of the House of Representatives.

(e) Privacy and Civil Liberties Assessment.—Not later than 180 days after the date of the enactment of this Act, the Privacy and Civil Liberties Oversight Board, in consultation with the civil liberties and privacy officers of appropriate Federal departments and agencies, shall submit a report to the appropriate congressional committees containing an assessment of the impacts on the privacy and civil liberties of United States nationals concerning the use of any authorities, regulations, or policies described in subsection (a) and the reporting requirements under subsection (b).

(f) Clarification of Authorities.—

(1) Rule of Construction.—No report submitted under this section may name or otherwise identify any organization based on the organization’s
lawful speech that is protected under the First Amendment of the United States Constitution.

(2) REPORT.—Nothing in this section directs or shall be construed to direct or require the Secretary of State to designate as a Specially-Designated Global Terrorist Group or foreign terrorist organization any domestic or foreign organization.