

**WORLD-WIDE THREATS: KEEPING AMERICA
SECURE IN THE NEW AGE OF TERROR**

HEARING

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FIFTEENTH CONGRESS

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WORLD-WIDE THREATS: KEEPING AMERICA SECURE IN THE NEW AGE OF TERROR

Thursday, November 30, 2017

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to notice, at 10:06 a.m., in room HVC-210, Capitol Visitor Center, Hon. Michael T. McCaul (Chairman of the committee) presiding.

Present: Representatives McCaul, Rogers, Barletta, Perry, Hurd, McSally, Ratcliffe, Donovan, Higgins, Rutherford, Garrett, Fitzpatrick, Estes, Bacon, Thompson, Jackson Lee, Langevin, Richmond, Keating, Vela, Coleman, Rice, Correa, Demings, and Barragán.

Chairman MCCAUL. The Committee on Homeland Security will come to order.

The committee's meeting today to examine the most serious threats confronting our homeland. Before I recognize myself for an opening statement, I would like to take a moment to welcome the newest member of our committee, Don Bacon. Don has served nearly 30 years in the Air Force, and his experience in cybersecurity and airborne reconnaissance will prove greatly beneficial to this committee.

Thank you, sir, for being here.

Mr. BACON. Thank you, Chairman.

Chairman MCCAUL. I now recognize myself for an opening statement.

I would like to thank each of the witnesses: Acting Secretary Elaine Duke, FBI Director Christopher Wray, NCTC Director Nick Rasmussen for joining us today. You represent thousands of patriotic men and women who go to work every day to ensure the safety of their fellow Americans. Everyone on this committee is extremely grateful for your service.

Director Rasmussen, for over two decades you have helped navigate an unprecedented landscape in combat terrorism around the globe. You have been a great partner to me and to this committee, and I would like to call you a friend. We all wish you the best of luck in—I hate to say retirement because that is—in whatever you do after this.

Mr. RASMUSSEN. OK.

Chairman MCCAUL. This past year has been a particularly devastating one. In just the last month, we witnessed another terror attack in downtown New York, and over the summer, parts of America, including my home State of Texas, were greatly impacted

by hurricanes and other natural disasters. We also saw several heinous acts of violence that included the mass shootings in Las Vegas, Sutherland Springs, and the hate-fueled homicides in Portland and Charlottesville. Tens of millions of Americans also felt the effects of cyber attacks from hackers and other cyber criminals. These are just a few of the horrors that hit our homeland.

On Islamist terrorism, over the Thanksgiving break, an ISIS-affiliated group attacked a mosque in northern Sinai that left 300 people, including 27 children, dead. While this attack was thousands of miles away, it was a reminder of the savage nature of an enemy that always has our homeland in its sights. In the aftermath to 9/11, the Department of Homeland Security was created to prevent further attacks, and I believe we are better prepared than we were 16 years ago.

However, in that time, al-Qaeda has expanded its global presence, and ISIS has conquered parts of countries, slaughtered innocent civilians, and inspired new followers. By using encrypted technology and by spreading incessant propaganda across the internet, jihadists are recruiting new members and planning new attacks. This has been obvious by a series of vehicle homicides across Europe. Cities known for their history and culture, like Paris, Berlin, London, Nice, Barcelona, and Brussels, are becoming more familiar as terror targets. The attack on Halloween in New York was proof that our homeland is also susceptible to this line of attack.

Terrorists are answering Sheikh Adnani's call to kill Westerners using whatever means necessary wherever they are. While our enemies are always adjusting their tactics, we know that our aviation sector is still their crown jewel of targets.

Earlier this month, our committee was briefed about aspects of airport security. To our dismay, it was made clear that we have a long way to go. We must do more to address a threat also posed by foreign fighters who have fled the battlefield and remain one flight away. Consequently, we have identified key areas that need improvements, and look forward to working with the TSA to see them through.

To help defeat terrorists, we must work with private tech companies to limit their communication capabilities and use all of our economic and military resources to dry up their funding and crush them on the battlefield.

When it comes to border security, another on-going challenge is keeping our borders secure. Human traffickers, gangs like MS-13, drug smugglers, and potential terrorists are continually looking for new ways to sneak into our country. We must do whatever we can to stop this illegal entry, especially those who wish to do us harm.

In October, this committee took a big step in the right direction by passing the Border Security for America Act. This legislation, which I introduced, calls for building additional physical barriers, including a wall, fencing, new technology, and a surge in personnel. It targets drug and human traffickers at our ports of entry and will help identify visa overstays through the full deployment of a biometric entry-exit system, which the 9/11 Commission recommended. Our homeland cannot be secure without strong borders. I look forward to getting this bill to the floor.

Natural disasters. This year's hurricane season devastated many cities and towns in my home State of Texas, in Louisiana, Florida, Puerto Rico, and the U.S. Virgin Islands. After Hurricane Harvey, I personally toured much of the wreckage back home. Roads were flooded, homes destroyed, and many people lost their lives. However, I was amazed by the strength demonstrated by people who braved dangerous conditions to support one another. Texans helping Texans. I was also impressed by the quick action taken by our heroic first responders and by the emergency response at the Federal, State, and local levels, thanks to a coordinated effort led by FEMA. A broader recovery will take a long time. But I know that if we continue to work together, we will be able to successfully rebuild these communities that were shattered by these powerful storms.

On the issue of cybersecurity, America's cybersecurity networks are under attack. In September, we learned that Equifax had been successfully hacked, and 145.5 million people may have been affected by the breach. Last week, it was also reported that 57 million people use Uber, that they may have had their personal information stolen from a cyber attack in 2016. This cannot continue. Fortunately, our committee has made strengthening DHS cybersecurity a top priority.

In 2014, bipartisan committee efforts resulted in the enactment of legislation that provided DHS expedited hiring authorities, ensure DHS is assessing its cybersecurity work force, and clarified the Department's role in cybersecurity of Federal networks. In 2015, the Cybersecurity Act provided liability protections for public-to-private and private-to-private cyber threat information sharing. We have had some success, but we need to do better. That is why this committee passed a bill to elevate the operational capabilities of DHS's cyber office to better protect digital America.

Finally, on the issue of domestic terror attacks. Domestic terror attacks and violence ignited by White supremacists, the KKK, or anyone else who preaches prejudice must not be tolerated. As I have stated before, threatening the safety of others and using intimidation tactics to advance political or religious beliefs is simply unacceptable in the United States. Too often we are seeing that our differences lead to violence, and this must be stopped.

As a Nation, we should stand together and reject any type of hatred that seeks to divide our neighbors as enemies. This is an issue we will explore further in our second panel.

In conclusion, Homeland Security must be bipartisan. The terrorists don't check our party affiliation. There are certainly other threats, from ballistic missiles, weapons of mass destruction programs in North Korea and Iran, to the continued undermining of American interests by nation-states, including Russia. As we face these threats, we must put our homeland security before partisanship and politics. I am proud to say that this committee has had a long track record of doing just that.

We have improved information sharing for counterterrorism efforts, increased support for first responders, and in July, passed the first-ever comprehensive reauthorization of DHS with an overwhelming bipartisan support. This reauthorization will allow DHS to more faithfully carry out its mission of safeguarding our home-

land, our people, and our values. I am hopeful that the Senate will finally take up this vital bill as soon as possible.

So with that, I want to thank again these very prominent and important witnesses for appearing here before this committee.

With that, I recognize the Ranking Member.

[The prepared statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

NOVEMBER 30, 2017

I would like to thank each of the witnesses, Acting Secretary Elaine Duke, FBI Director Christopher Wray, and NCTC Director Nick Rasmussen for joining us today. You represent thousands of patriotic men and women who go to work every day to ensure the safety of their fellow Americans.

Everyone on this committee is extremely grateful for your service.

Director Rasmussen—for over 2 decades you have helped navigate an unprecedented threat landscape and combat terrorism around the globe. You have been a great partner to this committee and we all wish you the best of luck in retirement.

This past year has been a particularly devastating one. In just the last month we witnessed another terror attack in downtown New York and over the summer, parts of America, including my home State of Texas, were greatly impacted by hurricanes and other natural disasters.

We also saw several heinous acts of violence that included the mass shootings in Las Vegas and Sutherland Springs, and the hate-fueled homicides in Portland and Charlottesville.

Tens of millions of Americans also felt the effects of cyber attacks from hackers and other cyber criminals. These are just a few of the horrors that hit our homeland.

ISLAMIST TERRORISM

Over the Thanksgiving break, an ISIS-affiliated group attacked a mosque in the northern Sinai that left 305 people, including 27 children, dead. While this attack was thousands of miles away, it was a reminder of the savage nature of an enemy that always has our homeland in its sights.

In the aftermath of 9/11, the Department of Homeland Security was created to prevent further attacks and I believe we are better prepared than we were 16 years ago. However, in that time al-Qaeda has expanded its global presence and ISIS has conquered parts of countries, slaughtered innocent civilians, and inspired new followers.

By using encrypted technology and by spreading incessant propaganda across the internet, jihadists are recruiting new members, and planning new attacks. This has been obvious by a series of vehicular homicides across Europe. Cities known for their history and culture: Paris, Berlin, London, Nice, Barcelona, and Brussels, are becoming more familiar as terror targets.

The attack on Halloween in New York City was proof that our homeland is also susceptible to this new line of attack. Terrorists are answering Sheik Adnani's call to kill Westerners using whatever means necessary wherever they are. And while our enemies are always adjusting their tactics, we know that our aviation sector is still their crown jewel of targets.

Earlier this month, our committee was briefed about aspects of airport security. To our dismay, it was made clear that we have a long way to go.

We must do more to address the threat posed by foreign fighters who have fled the battlefield and remain one flight away.

Consequently, we have identified key areas that need improvements and look forward to working with TSA to see them through.

To help defeat terrorists, we must work with private tech companies to limit their communication capabilities, and use all of our economic and military resources to dry up their funding and crush them on the battlefield.

BORDER SECURITY

Another on-going challenge is keeping our borders secure. Human traffickers, gangs like MS-13, drug smugglers, and potential terrorists are continually looking for new ways to sneak into our country.

We must do whatever we can to stop this illegal entry, especially of those who wish to do us harm.

In October, this committee took a big step in the right direction by passing the *Border Security for America Act*.

This legislation, which I introduced, calls for building additional physical barriers, which include a wall, fencing, new technology, and a surge in personnel.

It targets drug and human traffickers at our ports of entry and will help identify visa overstays through the full deployment of a Biometric Entry-Exit System. Our homeland cannot be secure without strong borders and I look forward to getting this bill to the floor.

NATURAL DISASTERS

This year's hurricane season devastated many cities and towns in Texas, Louisiana, Florida, Puerto Rico, and the U.S. Virgin Islands.

After Hurricane Harvey, I personally toured much of the wreckage back home. Roads were flooded, homes were destroyed, and many people lost their lives.

However, I was amazed by the strength demonstrated by people who braved dangerous conditions to support one another; Texans helping Texans.

I was also impressed by the quick action taken by our heroic first responders and by the emergency response at the Federal, State, and local levels, thanks to a coordinated effort led by FEMA.

A broader recovery will take a long time. But I know that if we continue to work together, we'll be able to successfully rebuild the communities that were shattered by these powerful storms.

CYBERSECURITY

America's cybersecurity networks are also under constant attack.

In September, we learned that Equifax had been successfully hacked and 145.5 million people may have been affected by the breach. Last week it was reported that 57 million people who use Uber, might have had their personal information stolen from a cyber attack in 2016. This cannot continue.

Fortunately, our committee has made strengthening DHS's cybersecurity mission a top priority. In 2014, bipartisan committee efforts resulted in enactment of legislation that provided DHS expedited hiring authority; ensured DHS is assessing its cybersecurity workforce; and clarified the Department's role in the cybersecurity of Federal networks.

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DOMESTIC TERROR ATTACKS

Finally, domestic terror attacks and violence ignited by white supremacists, the KKK, or anyone else who preaches prejudice, must not be tolerated. As I have stated before, threatening the safety of others and using intimidation tactics to advance political or religious beliefs is simply unacceptable.

Too often, we are seeing that our differences lead to violence and this must be stopped.

As a Nation, we should stand together and reject any type of hatred that seeks to divide our neighbors as enemies. This is an issue we will explore further in our second panel.

CONCLUSION/HOMELAND SECURITY MUST BE BIPARTISAN

There are certainly other threats—from ballistic missiles and WMD programs in North Korea and Iran, to the continued undermining of American interests by nation-states including Russia. As we face these threats we must put our homeland security before partisanship and politics.

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This reauthorization will allow DHS to more faithfully carry out its mission of safeguarding our homeland, our people, and our values, and I am hopeful the Senate will take up this vital bill as soon as possible.

Once again, I'd like to thank today's witnesses for joining us and for their continued cooperation with our committee.

I look forward to discussing how we can best tackle these world-wide threats so we can best secure our Nation.

Mr. THOMPSON. Thank you, Mr. Chairman. Thank you for holding this hearing on keeping America secure from terrorism. Hang on just a minute.

I would also like to thank both panels of witnesses for today.

In the wake of the disturbing rise of domestic terrorism in recent years, Democratic Members of this committee have repeatedly asked for a hearing on this important topic. While this hearing is our annual one examining world-wide threats, a great deal of our conversation will likely be focused on a terror threat from right here at home. Incidents like the 2015 killing of 9 churchgoers by a white supremacist at Mother Emanuel Church in Charleston and the hate-fueled violence that left a young woman dead and 19 others injured during a white supremacist rally in Charlottesville earlier this year, highlight the threat posed by domestic extremists.

Domestic terrorist organizations have even adopted some of the same techniques for recruitment and radicalization as foreign terrorist organizations, using the internet to reach followers and coordinate their actions.

[Video shown.]

Mr. THOMPSON. Unfortunately, President Trump insists on fueling the fire of hatred and extremism in America calling marchers in Charlottesville very fine people. Just yesterday, retweeting inflammatory anti-Muslim videos posted by a far-right British organization. James Clapper, the former director of national intelligence, called Trump's retweeting of the videos bizarre and disturbing, and said his action undermines our relationship with our friends and allies.

Americans should be able to look to our President for a steady hand and responsible leadership in uncertain times. But unfortunately, President Trump consistently conducts himself in a way that jeopardizes our security and is not befitting the office he holds.

Also, though they cannot say so themselves, the President's actions make the already difficult jobs of the witnesses joining us on the first panel today even harder. The Department of Homeland Security, Federal Bureau of Investigation, and National Counterterrorism Center play key roles in securing the homeland from terrorists, both foreign and domestic. I hope to hear from these witnesses today about the challenges they face, what emerging threats we should be aware of, and how Congress can support them in their mission, consistent with our American laws and values.

Since much of our focus is typically on foreign terrorists, today, I am especially interested in hearing how the witnesses assess the threat from domestic extremists and terrorist groups, and learning what can be done to protect us from this rising concern.

I also look forward to hearing from our second panel of witnesses on this topic later this morning. They bring special expertise on domestic extremism and terrorism issues, and I hope Members will hear what they have to say and engage in a thoughtful dialog.

The Southern Poverty Law Center, in particular, is dedicated to fighting hate and seeking justice and equality for all Americans. I look forward to their recommendations for countering the ideologies that are inspiring violence in America.

I had hoped to have the NAACP testify as well, but the invitation was issued less than 24 hours prior to the hearing, and the

late notice prevents their participation today. I look forward to inviting them to testify at a future hearing.

In closing, I want to say that we know there are those around the world who seek to come here and do Americans harm. Those charged with preventing such attacks have the unwavering support of all the Members of this committee, consistent with the laws and values of our Nation. I hope that some attention and resources will be dedicated to fighting domestic extremism and terrorism here at home to ensure the security of all Americans.

Again, I thank the Chairman for holding today's hearing, and look forward to a productive discussion. I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

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In closing, I want to say that we know there are those around the world who seek to come here and do Americans harm. Those charged with preventing such attacks have the unwavering support of all the Members of this committee, consistent with the laws and values of our Nation.

I hope that the same attention and resources will be dedicated to fighting domestic extremism and terrorism here at home to ensure the security of all Americans.

Chairman McCAUL. The Ranking Member yields back.

Other Members are reminded opening statements may be submitted for the record.

[The statement of Honorable Jackson Lee follows:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

Thank you Chairman McCaul and Ranking Member Thompson for convening this hearing and affording us, the Homeland Security Committee, the opportunity to hear testimony on “World-wide Threats: Keeping America Secure in the New Age of Terror.”

Terrorism threats that local, State, and Federal law enforcement must be prepared to meet is significantly different than what was seen on September 11, 2001.

I was here on the day of the attacks and I will never forget the Members who were there with me as we sang God Bless America on the steps of the Capitol.

The days and weeks following the attacks we were uncertain what threat might come and how many lives might be lost as we worked to put resources in place to deal with an enemy that might be among us.

Over the past 16 years we have learned a great deal.

Those who wish to do us harm can come from any race, religion, ethnicity, or political persuasion.

We are better prepared to face these challenges as one Nation united against a common foe.

My primary domestic security concerns are how to maintain a united-United States by:

- preventing foreign fighters and foreign-trained fighters from entering the United States undetected;
- countering international and home-grown violent extremism;
- preserving Constitutional rights and due process for all persons;
- addressing the uncontrolled proliferation of long-guns that are designed for battlefields and not hunting ranges;
- controlling access to firearms for those who are deemed to be too dangerous to fly;
- protecting critical infrastructure from physical and cyber attack;
- creating equity and fairness in our Nation’s immigration policies; and
- strengthening the capacity of the Department of Homeland Security and the Department of Justice to meet the challenges posed by weapons of mass destruction.

I join my colleagues in welcoming the witnesses for both panels:

The first panel witnesses are:

- The Honorable Elaine C. Duke, acting secretary, DHS;
- Christopher Wray, director of the FBI; and
- Nicholas J. Rasmussen, director of the National Counterterrorism Center will be testifying at the hearing.

The second panel witnesses are:

- Mr. J. Richard Cohen, president, Southern Poverty Law Center;
- Mr. David B. Rausch, chief of police, city of Knoxville, Tennessee testifying on behalf of the International Association of Chiefs of Police; and
- Rabbi Abraham Cooper, associate dean, director, Global Social Action Agenda, Simon Wiesenthal Center.

I regret that Mr. Derrick Johnson, president and chief executive officer, NAACP, was issued an invitation with less than 24 hours before today’s hearing.

Mr. Chairman and Ranking Member I ask that another timely invitation to testify be issued to Mr. Derrick Johnson for an opportunity to give testimony to the full committee.

I have served on the Committee on Homeland Security from its inception.

The threats poised to our country by terrorists who seek to do us harm is real and needs adequate funding, the support of Congress and the professionals that comprise the ranks of the Department of Homeland Security, the Department of Justice, the State Department, and the Department of Defense to keep our Nation safe.

I am humbled and inspired by what the men and women of these agencies do each day to keep our Nation secure.

Their efforts have not gone unnoticed and their success is evident in that this Nation has not experienced an attack on the scale that was carried out on September 11, 2001.

HURRICANE HARVEY RECOVERY NEEDS AGGRESSIVE ACTION BY FEMA

Acting Secretary Duke, I thank you and the men and women of the Department of Homeland Security for your work to aid areas impacted by this year's devastating Hurricane Season to recover.

The President promised the people of Texas that he would provide what was needed to recover; now we need him to keep that promise.

Residents of the State of Texas who are facing the long road to recovery need \$55 billion for home flood mitigation, repair, replacement, and home buyouts.

There are other States with pressing needs related to disaster recovery.

The funding being considered is inadequate and unrealistic for the scope of the damage caused by the multiple disasters that befell the United States earlier this year.

The President needs to understand that the Texas and Florida Delegations are in full agreement regarding the need to meet the disaster recovery needs of the States and territories.

There are particular concerns for our seniors who survived the terrible storms that ravaged the Texas Coast, Florida, U.S. Virgin Islands, and Puerto Rico because so many of them are alone, while trying to do the difficult and hard job of cleaning out their homes, or removing debris from their yards.

The work is not done in my State of Texas.

Thousands of families have no home because of the storm, and many more thousands are living in gutted out shells of structures they once called home and too many others are sleeping in cars.

Houston's response to the immediate disaster was impressive and all-encompassing for the size and complexity of the disaster caused by unprecedented flooding due to Hurricane Harvey.

The efforts of Mayor Turner and the work of the public works department, police, and first responders, as well as Federal and State agencies that were joined by citizen volunteers to help save thousands of lives.

This success gave the impression that everything is working in Houston following Hurricane Harvey when the reality could not be farther from the truth.

Over a thousand square miles of Texas Coast was impacted by the greatest flood to impact the mainland of the United States in the history of the Nation.

We have communities that are struggling to find the new normal that FEMA officials warned Texans would need to accept following the historic flood.

There are particular concerns for our seniors who survived the terrible storms that ravaged the Texas Coast, Florida, U.S. Virgin Islands, and Puerto Rico because so many of them are alone, while trying to do the difficult and hard job of cleaning out their homes, or removing debris from their yards.

The work is not done in my State of Texas there are thousands of families who have no home to return to following the historic flood.

We have communities that are struggling to find the new normal that FEMA officials warned Texans would need to accept following the historic flood.

The effort is being made difficult by a lack of appreciation by the administration of the true cost of recovery for Texas, Florida, the U.S. Virgin Islands and Puerto Rico.

We must have full funding for the hard-hit areas of the United States so that recovery is not piece-meal.

The people in my State also need a fair, compassionate, and equitable process for requesting and receiving aid.

FEMA has proven that it is excellent at disaster response, but is showing that they are not very good at recovery management for individuals and families.

Fundamentally, recovery for people and families in an impact area that is as large as the Hurricane Harvey disaster requires an approach that partners with non-profit and civic organizations.

Houston has a well-established community of aid agencies who could aid residence with Harvey damage in successfully navigating the FEMA registration.

Today, thousands of Houstonians and residents throughout the Harvey impact zone are being denied assistance because the FEMA process is not working.

Each family in the impact zone should have a non-profit agency caseworker who provides support, assesses the health, security, and safety of living arrangements as it relates to storm damage then makes sure they register for the types of assistance that is appropriate for their needs.

FEMA application process did not account for multiple heads of household who lived at one address; nor do the literacy and access to transportation that would be needed to reach Recovery Assistance Centers.

A denial from most of my constituents means they give up, when what may be needed is a proof of residence or a document about losses incurred.

This is why Community Block Grant dollars are needed to address the loss of housing that FEMA is missing due to the flaws in the application and approval of assistance process.

The administration risks a shut-down over not adequately meeting the needs of hurricane-impacted areas.

FUTURE STRATEGIES IN COMBATING ISIS/AL-QAEDA

The noticeable decline in messages attributed to ISIS and al-Qaeda is evidence that they are diminishing in strength on the battle's front lines.

We must be prepared to greet these groups or their re-incarnations aggressively as they seek refuge in remote areas around the globe and disrupt their attempts to plot violent attacks against our Nation.

As we see a reduction in large-scale terrorist activity and the emergency of lone wolves the mission and the work to successfully fight terrorism is going to change.

Over the last year we have become aware of Russia interference in our National elections and witnessed an increasing threat of a nuclear ICBM-capable North Korea.

We must resist the temptation to look for threats where none exists; there will be ample work to be done as real security threats emerge.

My concern in this regard are how the tools provided to identify and combat terrorism threats might be used to unjustly target.

It has been brought to my attention that there are cases of airport workers who as a condition of employment must have access to the sterile areas of airports.

In one case, brought to my attention by a constituent of the 18th Congressional District, who had her security clearances from 2008 through 2010 and again in 2013 until this year when it came up for renewal.

The renewal was denied by Custom and Border Protection (CPB) without an explanation or due process consideration that would allow her an opportunity to reply to a specific issue or accusation that may have been the reason for the denial.

My office was informed that the denial is based upon information provided by a third-party agency report to CPB regarding my constituent.

It is my concern that we get security protocols right especially in cases where the target of an accusation who has a benefit or right that is controlled by a Federal agency that is prohibited from providing any details regarding the charge or claim made.

She has gone to the extraordinary effort of getting an FBI background check done to see if there was anything that would cause her clearance to be denied and it came back without anything to report.

She stated in her letter seeking my assistance that her attempts to get information from CPB resulted, in her words of "feelings of being discriminated against because she was African American and Muslim although she is a citizen of the United States."

Her overriding concern is the damage being done to her reputation for something she is not able to get any information about which prevents her from responding.

The initial days following September 11, 2001 we may have considered that to allow agencies in the intelligence and law enforcement to share data there needed to be a shield regarding the source of information.

The need for a shield between intelligence and law enforcement agencies may still be necessary, but if that is the case an impartial third party should review these cases.

It is important to note that in the case of my constituent she continues to go to the airport to work.

Today, if a person is accused of something that cost a security clearance, but never charged with a crime, can be denied employment based upon an accusation, which is why there is a need to have greater scrutiny to ensure that what is reported has occurred.

African Americans, Hispanics, Native Americans, Muslims, Asians, Jews, and immigrants are living in an America where intolerance and bias are not only becoming more blatant, but in some cases echoed by the President of the United States.

I ask that the leadership of each component and office for the Department of Homeland Security and Department of Justice be reminded that our enemies are not of a particular race, religion, ethnicity, or political persuasion.

We must each be more willing to question, doubt, and challenge actions and accusations that puts those who are targets of white supremacists at risk.

Not having to worry about anyone ever challenging the story told or revealing the identity of the teller may be shielding a sexual predator who was rejected or a bigot who wants to inflict harm on a person because of their differences.

I want to give you a letter and the casework file including a privacy act release to you Acting Secretary Elaine Duke and request your personal attention to resolving this matter in an equitable manner.

BLACK IDENTITY EXTREMISM

The notion of creating a new phrase without consideration for the history of the struggles of people in this Nation who only ask to be treated as human beings is incredible.

The lack of appreciate for what the issues are from the perspective of sociologists and criminologists is hard to reconcile.

The FBI has a diversity problem that it has done all of the right things to address—recruiting at Historical Black Colleges and Universities.

There is diversity in the recruitment work done to collect applications, but the hiring for the FBI continues a balance of about 88% white males, 7% Hispanic and 5% African America and 3% other.

This is why the BIE report was possible, when it should have been a non-starter.

I can tell you that the temperature for racial tolerance in the environment is very inhospitable.

It is easy for a document that has the emblem of the FBI affixed to it to have serious and dire consequences for the safety of African Americans.

HISTORY OF SURVEILLANCE & THE BLACK COMMUNITY

This administration continues the same vile tactics used in well-documented stories of civil rights leaders who were profiled, targeted, and killed for insisting that black people receive equitable treatment under the law in a country whose Constitution guarantees it.

Under FBI Director Edgar Hoover's leadership, the Counter Intelligence Program (COINTELPRO), a covert, often illegal, campaign was mounted to break up the civil rights movement and "neutralize" activists they perceived as threatening.

COINTELPRO was used to surveil and discredit civil rights activists, members of the Black Panther Party and any major advocates for the rights of black people in our Nation's history.

COINTELPRO allowed the FBI to falsify letters in an effort to blackmail Martin Luther King Jr. into silence.

This was such a disgraceful period in our Nation's history that our recent FBI Director, James Comey, kept a copy of a 1963 order authorizing Hoover to conduct round-the-clock surveillance of Martin Luther King Jr. on his desk as a reminder of Hoover's abuses.

The FBI's dedicated surveillance of black activists follows a long history of the U.S. Government aggressively monitoring protest movements and working to disrupt civil rights groups, but the scrutiny of African Americans by a domestic terrorism unit was particularly alarming to some free-speech campaigners.

FBI: Black Lives Matter and the Black Identity Extremists Report

Today the FBI continues its once intrusive, abhorrent, and illegal targeting of black activists by labeling the Black Lives Matter movement as Black Identity Extremism.

We know that the Department of Homeland Security has been surveilling Black Lives Matter activists since 2014, but there's no way to know what's next.

With this recent report, the FBI has legitimized the idea that black activism is a threat and should be treated accordingly—with violent force.

Despite Charlottesville and all the other harms inflicted by emboldened white nationalists, the FBI has instead, chosen to target a group of American citizens whom merely decry the injustice seen and felt throughout their communities.

Despite numerous unarmed black individuals, particularly, young black men that are disproportionately the victims of police shootings, the FBI would like us to believe this is not a reality.

Instead, the FBI's report claims there is a danger in black activism by asserting that violence inflicted on black people at the hands of police is "perceived" or "alleged," not real.

This month the Congressional Black Caucus has written to the FBI director, Christopher Wray, to express our concern over the recent “Intelligence Assessment” report.

We have requested a briefing on both the origins of its research and the FBI’s next intended step based on its findings. No response as of date.

We should be allowed to exercise our Constitutional and fundamental rights of free speech.

We should not be restricted and criminalized when we demand that those we elect to office exercise justice and fairness.

This FBI report will further inflame an already damaged police/community relation under the leadership of Attorney General Jeff Sessions.

Sessions has dismantled all the safeguards installed under Attorney General Holder’s leadership, thus, returning our justice system to the broken system under Ashcroft.

Sessions has unleashed a merciless approach to “all” crimes including low-level drug-related cases, and demands that his attorneys prosecute every case to the fullest extent of the law.

In doing so, Sessions has taken away any prosecutorial discretion once available to prosecutors throughout our justice system under U.S. law.

The FBI in this Trump administration has returned to the era of Director Edgar Hoover, in their unleashing of this damaging, discriminative, and unconstitutional COINTELPRO 2.0.

With these lethal forms of attacks on the African American community from both the DOJ and the FBI, where is justice?

White Supremacy and Hate Groups

The work of civil rights and equal rights is not easy—pursing non-violence when violence is the goal of the groups most opposed to the existence of African Americans, Hispanics, Native Americans, Jews, and others.

The Simon Wiesenthal Center is renowned for its commitment to harmony and peace through understanding.

The Simon Wiesenthal Center is a global human rights organization researching the Holocaust and hate in a historic and contemporary context.

The Center confronts anti-Semitism, hate, and terrorism, promotes human rights and dignity, stands with Israel, defends the safety of Jews world-wide, and teaches the lessons of the Holocaust for future generations.

They have a constituency of over 400,000 households in the United States, it is accredited as an NGO at international organizations including the United Nations, UNESCO, OSCE, Organization of American States (OAS), the Latin American Parliament (PARLATINO) and the Council of Europe.

The Center’s educational arm, founded in 1993, challenges visitors to confront bigotry and racism, and to understand the Holocaust in both historic and contemporary contexts.

The Museum has served over 5 million visitors with 350,000 visiting annually including 150,000 students.

Over 1.5 million children and youth have participated in the Museum experience and its programs.

Over 200,000 adults have been trained in the Museum’s customized, professional development programs which include Tools for Tolerance®, Teaching Steps to Tolerance, Task Force Against Hate, National Institute Against Hate Crimes, Tools for Tolerance for Teens, and Bridging the Gap.

MASS SHOOTINGS IN THE UNITED STATES

In 2015, there were 372 mass shootings and 33,636 deaths due to firearms in the United States while guns were used to kill about 50 people in the United Kingdom. More people are typically killed with guns in the United States in a day (about 85) than in the United Kingdom in a year.

We must have an accountable and responsive Government to address the number of and level of violence caused by mass shooters who attack groups or individuals with weapons of war.

No one or any place is safe from the mass shooter, including Members of the United States Congress who were participating in a baseball practice game when a mass shooter attacked.

Since that shooting targeting Members of Congress occurred we have seen hundreds of people either killed or injured by mass shooters incidents in Las Vegas, Nevada, and Southerland Springs, Texas.

We must have a comprehensive approach to addressing access to firearms by persons who should not have them and the need for mental health services to address underlying causes of suicides and violent crime.

RUSSIAN INTERFERENCE/THE MUSLIM BAN/DACA/TEMPORARY PROTECTIVE STATUS
REVOCATION

Russia

President Trump from his first week in office communicated his views regarding immigration, immigrants, and Russia interference in our Nation's elections.

Prior to taking the Presidential oath of office, he indicated that he had doubts about intelligence community reports that Russia had orchestrated a well-coordinated attack of our election.

His doubts of our own intelligence on Russia's hostile actions embolden Russian President Putin to deny the charge, which he continued to do so until later Putin acknowledged that some "patriotic" element inside of Russia may have interfered with the U.S. election.

We know that no truly patriotic Russian would dare to interfere in an American election without the full knowledge of Russia's ever-present surveillance agencies.

As a former KGB chief and spymaster, Vladimir Putin would not allow anything to take place of this nature without his knowledge or approval.

DACA and Temporary Protected Status

Many Members of this committee have questions for the panels regarding other important homeland security issues, such as the rise of violence from white supremacist groups; mass shootings committed against groups and individuals, the temporary protection status of Haitians, Hondurans, Salvadorians, and as well as the status of Deferred Action for Childhood Arrivals (DACA) other immigrant communities who are living in fear of the next Executive Order from this administration.

Immigration

On Friday, January 27, 2017, the President signed an Executive Order suspending all resettlement of Syrian refugees indefinitely, and resettlement of all other refugees for 120 days.

The order also imposed a 90-day ban on entry of nationals from 7 predominately Muslim countries: Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen.

This action triggered public condemnation and resistance that has landed the Executive Order in the Federal courts where it has repeatedly been ruled to be unconstitutional in both of its iterations (e.g., Trump Muslim Ban No. 1, Trump Travel Ban No. 2).

This was just the beginning of the Trump's administration pattern of targeting and profiling people deemed to be unworthy of Constitutional protection or consideration of due process.

In February, reports of heightened Immigration and Customs Enforcement actions came to the attention of Members of Congress.

Immigration and Customs Enforcement made 35 percent more arrests Nationwide in roughly the first 3 months of the Trump administration compared to the same period last year.

Nation-wide, ICE made 41,898 arrests from January 20 through April 29.

During this same period in 2016 there were only 31,128 arrests according to ICE data.

Twenty-six percent (26%) of this year's arrests were of people who had not been convicted of a crime, which is up from 14 percent last year.

There is little reason to doubt that the motivation behind the Trump Executive Orders and immigration policies is to target and remove Hispanics and Muslims.

What is worse is the treatment of pregnant women and girls who are placed in detention centers.

These centers do not have medical facilities or full-time medical staff because they are not prisons.

It is not a crime to be in the United States without documents; it is a civil matter.

We have seen the process turned into a form of punishment when this should never have been allowed to happen.

Women and girls who are pregnant are not getting adequate medical care and what is worse of the charges of intention abuse of women with difficult pregnancies who are held without access to health care.

Simply put, the actions taken by this administration are jeopardizing long-held tenants of our Nation; that all are created equal and endowed by their Creator with certain inalienable rights.

Trump's actions are not making Americans safer; they are in fact making them less safe and more fearful.

The reports by local law enforcement of a steep decline in the number of sexual assault cases from the Hispanic community and in some cases an increase in sexual assault cases by non-Hispanics is alarming.

The corrosive nature of unchecked criminal activity will be felt far beyond the communities where violence and crime are allowed to fester.

The impact on our Nation's fiscal health, National security, and economic stability as a direct result of these anti-immigrant actions are yet to be fully calculated.

In my efforts to effectively work on the behalf of constituents of the 18th Congressional District, I can attest to the human toll.

Some of the direct impacts are felt most acutely by the most vulnerable: Children of parents who left home one morning never to return; international medical students planning to come to study medicine in the United States; and the security of our Nation's most fundamental institution—free and fair public elections.

Temporary Protected Status

On November 20, 2017, you announced the administration was ending a humanitarian program that has allowed some 59,000 Haitians to live and work in the United States since an earthquake ravaged their country in 2010.

Haitians with what is known as Temporary Protected Status will be expected to leave the United States by July 2019 or face deportation.

This decision regarding Haitians followed another revocation of Temporary Protected Status of for 2,500 Nicaraguans in October.

These announcements have also caused concern among other groups who are in the United States under a Temporary Protected Status.

The temporary status covers some 435,000 people from 9 countries, who came to the United States legally after a natural disaster or war.

Temporary Protected Status designations were created by a law signed by President George Bush in 1990.

Haiti, the poorest country in the Western Hemisphere, is still struggling to recover from the earthquake and relies heavily on money its expatriates send to relatives back home.

The Haitian government had asked the Trump administration to extend the protected status.

THE HUMAN TOLL OF TRUMP ADMINISTRATION POLICES

International medical graduates (IMGs) fill a vital role in the U.S. health care system by serving as a source of primary care physicians in rural communities throughout the United States.

They comprise 26% of physicians in practice and 24% of residents in specialty programs in the United States.

All IMGs go through U.S. medical licensing examination and credentialing verification to receive certification from the Educational Commission for Foreign Medical Graduates to become eligible to enter the U.S. graduate medical education process.

Compared with U.S. graduates, IMGs tend to practice in primary care specialties and in underserved and rural areas.

Severe shortages of primary care physicians in underserved areas of the United States were a persistent problem that seemed intractable until international medical students began to fill the void.

There are other impacts that adversely affect small business owners, veterans, families in every State where ICE deportations have risen.

There is an important issue regarding ICE enforcement actions related to the display of the word "POLICE" by ICE agents.

As a Member of the Committee on Judiciary and Ranking Member for the Subcommittee on Crime, Terrorism, Homeland Security, and Investigation, I am acutely aware of the important role law enforcement fills.

I was concerned that ICE's use of "POLICE" would link their immigration enforcement activity with routine police and crime prevention, which would chill the willingness of immigrant communities to help police and report crime.

I am sad to say that my worst fears have been borne out by reports by the chiefs of police for Houston and Los Angeles that in fact reports of sexual assault have sharply declined.

My final observation of the first few months of this administration is the willingness to cause injury where none needs to be inflicted.

I appreciate your assistance, Mr. Secretary, in reuniting a child from Jordan with his family after he was caught up in the Muslim ban.

Another constituent, Mr. Jose Ernesto Escobar, who owns a small business, has not committed a crime, has complied with requirements that he routinely report to DHS, has yet to be reunited with his family after having filled an administrative appeal regarding a surprise attempt to deport him.

The administrative appeal is essential to balance immigration policies with due process rights, which extend protections to non-citizens in our Nation's constitutional democracy.

Unfortunately, ICE ignored the due process requirements of Mr. Escobar's administrative appeal after assurances that the agency would comply with the appeals processes and instead deported Mr. Escobar back to El Salvador—a country he had not lived in since he was a child following devastating earthquakes.

I look forward to the testimony of today's witnesses and the question-and-answer opportunity that will follow.

Thank you. I yield back the balance of my time.

Chairman MCCAUL. We are pleased to have two distinguished panels of witnesses before us. Today, our first panel includes the Honorable Elaine Duke, acting secretary of the United States Department of Homeland Security; the Honorable Christopher Wray, director of the FBI; and the Honorable Nicholas Rasmussen, director of the National Counterterrorism Center. The witnesses' full written statements will appear in the record.

The Chair now recognizes Secretary Duke for an opening statement.

**STATEMENT OF HONORABLE ELAINE C. DUKE, ACTING
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY**

Ms. DUKE. Good morning, Chairman McCaul, Ranking Member Thompson, and distinguished Members of this committee. It is my honor to testify here before you this morning on behalf of the men and women of Department of Homeland Security, who shield our Nation from threats every single day, often in extremely dangerous environments.

We are reminded of that this past week when we lost Border Patrol agent Rogelio Martinez in the line of duty. I truly appreciate and know our country appreciates his service and sacrifice.

While we do not know for certain the circumstances of his death, we do know that he courageously chose a dangerous job with DHS because it was so important to our Nation's security. When his father was asked why his son chose the Border Patrol, his son said: I want to defend my country from terrorists. I want to prevent terrorists and drugs from coming into our country, and he loved this job.

I want to begin by noting right now that the terror threat in our country equals and in many ways exceeds the period around 9/11. We are seeing a surge in terrorist activity because the fundamentals of terrorism have changed. Our enemies are crowdsourcing their violence on-line and promoting a do-it-yourself approach that involves using any weapons their followers can get their hands on. We saw this just last month here on our own soil when a terrorist killed and wounded pedestrians in New York City using a rented vehicle. But New Yorkers rallied and they refused to be intimidated by this heinous attack.

I also want to make it clear that DHS is not standing on the side lines as these threats proliferate, and we will not allow frequent terrorism to become the new normal. The primary international terror threat facing our country is from global jihadist groups.

However, the Department is also focused on the threat of domestic terrorism. Ideologically motivated violence here in the United States is a danger to our Nation, our people, and our values.

We are tackling the overall terror threat in the United States head-on in two ways. First, we are rethinking homeland security for this new age. There is no longer a home game and away game. The line is blurred and the threats are connected and across borders. That is why DHS is moving toward a more integrated approach, bringing together intelligence, operations, interagency engagement, and international action like never before.

Second, we are raising the bar in our security posture across the board to keep dangerous individuals and goods from entering the United States. That includes building a wall in the Southwest Border and cracking down on transnational criminal organizations that bring drugs, violence, and other threats to our communities.

Illegal immigration puts our communities and country at risk, which is why our border security strategy is multi-layered and includes robust interior enforcement operations to deter and prevent illegal entry.

We are also strengthening everything from traveler screening to information sharing. We now require all foreign governments to share critical data with us on terrorists and criminals and to help us confidently identify their nationals. We must know who is coming into our country and make sure they do not pose a threat. That is why I recommended, and the President approved, tough but tailored restrictions against countries that pose a risk and which are not complying with our security requirements.

We are trying to stay a step ahead of emerging threats. We are planning next to launch a new Office of Countering Weapons of Mass Destruction next week to consolidate and elevate DHS's efforts to guard against chemical, biological, radiological, and nuclear threats.

Separately and additionally, our global aviation security plan is making it harder for terrorists to target U.S.-bound aircraft with concealed explosive or by using corrupted insiders. At the same time, we are rededicating ourselves to terrorism prevention to keep terrorists from radicalizing our people, and our newly reorganized Office of Terrorism Prevention Partnerships will lead this charge.

Finally, we have stepped up DHS's efforts to protect soft targets, which will not only help better defend our country against terrorists, but against tragedies we have witnessed like that in Las Vegas and Texas.

Americans are also alarmed by the spike in terrorist attacks. DHS is engaging with Congress on legislation that would establish a new operating component dedicated to cybersecurity.

On behalf of the entire Department, I appreciate the critical role this committee plays. Thank you for holding this hearing. I look forward to answering your questions.

[The prepared statement of Ms. Duke follows:]

PREPARED STATEMENT OF ELAINE C. DUKE

NOVEMBER 30, 2017

Chairman McCaul, Ranking Member Thompson, and distinguished Members of the committee, I would like to thank you for inviting me to testify on the threats

facing our great Nation and what we are doing to confront them. First though, I would like to recognize the service of former Secretary John Kelly. While his tenure at the Department of Homeland Security (DHS) ended early, his impact was substantial. General Kelly visibly lifted the morale of the Department, set a new standard for leadership, and—most importantly—established the foundation for historic improvements in our Nation’s security. The Department has not missed a beat since his departure, and it is my honor to continue to advance the work he set in motion until such time as the Senate votes to confirm the President’s nominee, Kirstjen Nielsen.

Make no mistake, the threats our country faces are serious. Our enemies and adversaries are persistent. They are working to undermine our people, our interests, and our way of life every day. Whether it is the violent menace posed by international and domestic terrorists or the silent intrusions of cyber adversaries, the American people will not be intimidated or coerced. I am proud that the men and women of DHS are driven to address these challenges, and they are more than equal to the task.

I would like to stress three themes today.

First, we are rethinking homeland security for a new age. We sometimes speak of the “home game” and “away game” in protecting our country, with DHS especially focused on the former. But the line is now blurred. The dangers we face are becoming more dispersed, and threat networks are proliferating across borders. The shifting landscape is challenging our security, so we need to move past traditional defense and non-defense thinking. This is why DHS is overhauling its approach to homeland security. We are bringing together intelligence, operations, interagency engagement, and international action in new ways and changing how we respond to threats to our country.

Second, we are “raising the baseline” of our security posture—across the board. DHS is looking at everything from traveler screening to information sharing, and we are setting new standards to close security vulnerabilities. Since 9/11, we have spoken too often of the weaknesses in our systems without taking enough decisive action to fix them for the long haul. This administration aims to change that. At the Department, we are building an action-oriented, results-centric culture. We are pushing our border security strategies and pressing foreign partners to enhance their security so that terrorists, criminals, and other threat actors are stopped well before they reach our shores.

Third, this unprecedented hurricane season has truly tested us as a Nation and tested many of our assumptions about what works in disaster response and recovery. While each year the hurricane season officially comes to an end on November 30, the lessons that we are learning from the response and recovery operations that we are performing this year, under the most difficult circumstances possible, will transform the field of emergency management forever.

HOMELAND SECURITY IN A NEW AGE OF TERRORISM

Today, the magnitude of the threat we face from terrorism is equal to, and in many ways exceeds, the 9/11 period. While we have made it harder for terrorists to execute large-scale attacks, changes in technology have made it easier for adversaries to plot attacks in general, to radicalize new followers, and to recruit beyond borders. The problem is compounded by the use of simple, “do-it-yourself” terrorist tactics.

The rising tide of violence we have seen in the West is clear evidence of the serious threat. Acts of terrorism and mass violence against soft targets have become so frequent that we associate them with the names of cities that have been victimized: Paris, San Bernardino, Brussels, Orlando, Istanbul, Nice, Berlin, London, Barcelona, and most recently in New York City on Halloween. As our Government takes the fight to groups such as ISIS and al-Qaeda, we expect operatives to disperse and focus more heavily on external operations against the United States, our interests, and our allies.

We are seeing an uptick in terrorist activity because the fundamentals of terrorism have evolved. This includes changes in terrorist operations, the profile of individual operatives, and the tactics they use. With regard to operations, terrorist groups historically sought time and space to plot attacks. But now they have become highly networked on-line, allowing them to spread propaganda world-wide, recruit on-line, evade detection by plotting in virtual safe havens, and crowd-source attacks. The result is that our interagency partners and allies have tracked a record number of terrorism cases.

Terrorist demographics have also created challenges for our front-line defenders and intelligence professionals. ISIS, al-Qaeda, and other groups have managed to

inspire a wide array of sympathizers across the spectrum. While a preponderance are young men, they can be young or old, male or female, wealthy or indigent, immigrant or U.S.-born, and living almost anywhere.

The change in terrorist tactics has likewise put strain on our defenses. Global jihadist groups are promoting simple methods, convincing supporters to use guns, knives, vehicles, and other common items to engage in acts of terrorism. At the same time, they are experimenting with other tools—including drones, chemical weapons, and artfully concealed improvised explosive devices—to further spread violence and fear. We have also seen a spider web of threats against the aviation sector, which remains a top target for global jihadist groups. In short, what was once a preference for large-scale attacks is now an “all-of-the-above” approach to terrorism. This is particularly exacerbated by the increased emphasis on so-called soft targets. Locations, venues, or events associated with public gatherings are increasingly appealing targets for terrorists and other violent criminals because of their accessibility and the potential to inflict significant physical, psychological, and economic damage.

The Department is also concerned about violent extremists using the battlefield as a testbed from which they can export terror. We continue to see terrorist groups working to perfect new attack methods in conflict zones that can then be used in external operations. Operatives are packaging this expertise into blueprints that can be shared with followers on-line. In some cases, terrorists are even providing the material resources needed to conduct attacks. We recently saw this in Australia, when police foiled a major plot to bring down an airliner using a sophisticated explosive device reportedly shipped by an ISIS operative overseas.

The primary international terror threat facing the United States is from violent global jihadist groups, who try to radicalize potential followers within our homeland and who seek to send operatives to our country. However, the Department is also focused on the threat of domestic terrorism and the danger posed by ideologically-motivated violent extremists here in the United States. Ideologies like violent racial supremacy and violent anarchist extremism are a danger to our communities, and they must be condemned and countered.

The Department is not standing on the sidelines as these threats spread. And we will not allow pervasive terrorism to become the new normal. We are closely monitoring changes to our enemies’ tactics, and we are working to stay a step ahead of them. This means ensuring that our security posture is dynamic, multi-layered, and difficult to predict. We are doing more to identify terrorists in the first place, changing our programs and practices to adjust to their tactics, and working with our interagency and international partners to find innovative ways to detect and disrupt their plots.

DHS is also working to help our State, local, Tribal, territorial, and private-sector partners—and the public—to be better prepared. We actively share intelligence bulletins and analysis with homeland security stakeholders Nation-wide to make sure they understand trends related to terrorism and violent extremist activity, know how to guard against nascent attack methods, and are alerted to the potential for violent incidents. For example, in the days prior to the tragic events in Charlottesville, the DHS Office of Intelligence and Analysis partnered with the Virginia Fusion Center to produce and distribute an assessment alerting State and local law enforcement to an increased chance for violence at the upcoming demonstration.

DHS is working closely with private industry and municipalities to help secure public venues and mass gatherings that might be targeted by terrorism and violent extremist activity. We have also continued to refine our outreach to make sure members of the public report suspicious activity and don’t hesitate to do so. Sadly, we have seen many attacks at home and around the world that could have been stopped if someone had spoken up. We want to break that pattern of reluctance.

In many of these areas, we will continue to need Congressional assistance. The President’s fiscal year 2018 budget calls for a number of counterterrorism improvements that need robust funding. But more must be done to keep up with our enemies. In some cases, DHS and other departments and agencies lack certain legal authorities to engage and mitigate the emerging dangers we are seeing. For example, we lack the authorities needed to counter threats from unmanned aircraft systems (UAS). We know that terrorists are using drones to conduct aerial attacks in conflict zones, and already we have seen aspiring terrorists attempt to use them in attacks outside the conflict zone.

Earlier this year, the administration delivered a Government-wide legislative proposal to Congress that would provide additional counter-UAS authorities to DHS and other Federal departments and agencies to legally engage and mitigate UAS threats in the National Airspace System. I am eager to share our concerns in a

Classified setting, and I urge the committee to help champion efforts to resolve this and other challenges.

BLOCKING THREATS FROM REACHING THE UNITED STATES

The Department is undertaking historic efforts to secure our territory. The goal is to prevent National security threat actors, especially terrorists and criminals, from traveling to the United States, while better facilitating lawful trade and travel. The administration has made it a priority to secure our borders and to provide the American people the security they deserve. We are making it harder for dangerous goods to enter our country. And as part of our across-the-board approach to rethinking homeland security, DHS is improving to the screening of all categories of U.S.-bound travelers, including visitors, immigrants, and refugees.

Our forward-leaning counterterrorism approach is exemplified by the Department's recent aviation security enhancements. As noted earlier, terrorists continue to plot against multiple aspects of the aviation sector, in some cases using advanced attack methods. Based on carefully-evaluated threat intelligence, DHS took action this year to protect passenger aircraft against serious terror threats. This summer, we announced new "seen" and "unseen" security measures, representing the most significant aviation security enhancements in many years. Indeed, our on-going Global Aviation Security Plan is making U.S.-bound flights more secure and will raise the baseline of aviation security world-wide—including additional protections to prevent our enemies from placing dangerous items in mail or cargo.

Today, terrorists and criminals are exploiting what they see as a borderless world, which is why stepping up our border security must be among the highest National priorities. DHS is actively focused on building out the wall on the Southwest Border and a multi-layered security architecture to keep threats from entering America undetected. We are making measureable progress, and we are cracking down hard on transnational criminal organizations (TCOs), which are bringing drugs, violence, and dangerous goods and individuals across our borders. These organizations have one goal—illicit profit, and they couldn't care less about the enormous human suffering they cause.

TCOs pose a persistent National security threat to the United States. They provide a potential means for transferring weapons of mass destruction (WMD) to terrorists or for facilitating terrorists' entry into the United States. We have already seen aliens with terror connections travel from conflict zones into our hemisphere, and we are concerned that TCOs might assist them in crossing our borders. TCOs also undermine the stability of countries near our borders, subvert their Government institutions, undermine competition in world strategic markets, and threaten interconnected trading, transportation, and transactional systems essential to free markets.

The Department is fighting back against this threat by using its full authorities and working in concert with other Federal partners. DHS is leading the development of a stronger, fused, whole-of-Government approach to border security. Stove-piped agencies cannot prevail against highly networked adversaries, which is why we are bolstering Joint Task Forces to protect our territory and embedding border security professionals in other relevant departments and agencies. Our components are working together on initiatives such as the DHS MS-13 Working Group and the DHS Human Smuggling Cell. The former, run by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), is identifying gang members previously unknown to law enforcement. The latter is a multi-agency unit staffed by personnel from across the Department that is allowing us to bring together intelligence and operations to go after human smuggling organizations more effectively.

We are also developing comprehensive plans to step up security in the Western Hemisphere and to push the U.S. border outward by shutting down TCOs and smuggling networks. For example, ICE's Biometric Identification Transnational Migration Alert Program (BITMAP) is helping train and equip foreign counterparts to collect biometric and biographic data on persons of interest and potential threats. The data allow us to map illicit pathways, discover emerging TCO trends, and catch known or suspected terrorists and criminals while they are still far from our border.

Beyond border security, DHS is improving almost every stage of the vetting process for U.S.-bound travelers. Front-end investigations of applicants are being modified to more quickly detect individuals with terror ties, including through ICE's Visa Security Program. Security checks are being brought into the digital age with measures like continuous immigration vetting, a real-time, systematic process that constantly analyzes visa files against law enforcement and intelligence holdings to identify possible matches to derogatory information. At the same time, we are gathering

additional data from prospective travelers to more effectively validate their identities and determine whether they pose a risk to our country.

DHS is better leveraging Unclassified and Classified datasets to find previously undetected threats. We have already seen real successes. I cannot get into the details in this setting; suffice to say that these enhancements have allowed us to detect and disrupt terror suspects we likely would not have identified otherwise. And at our ports of entry, CBP's Tactical Terrorism Response Teams are connecting dots and finding suspicious individuals we might also have otherwise slipped through the cracks.

In the medium term, DHS is aiming to streamline how we organize our screening activities. We are examining specific ways to consolidate screening functions, better integrate intelligence data, leverage law enforcement information, and fuse our efforts to protect our country. Both of the witnesses here with me today have been critical partners as we do this and make sure our National vetting efforts are a top priority.

The administration is also pursuing major initiatives to improve international information sharing. Working with the State Department and interagency, we are pressing foreign countries to provide us more information on terrorists and criminals, and we are urging them to use the information our Government already provides to catch global jihadists and other threat actors residing in or transiting their territory. DHS is exploring additional measures that could be taken to require foreign governments to take swifter action and how we can better assist them in doing so.

For the first time ever, DHS established a clear baseline for what countries must do to help the United States confidently screen travelers and immigrants from their territory. As required under President Trump's *Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States* (EO 13780), all foreign governments have been notified of the new standards, which include the sharing of terrorist identities, criminal history information, and other data needed to ensure public safety and National security, as well as the condition that countries issue secure biometric passports, report lost and stolen travel documents to INTERPOL, and take other essential actions to prevent identity fraud.

DHS assessed whether countries met the new standards, in consultation with the Department of State and the Department of Justice. Countries that failed to do so were recommended to the President for travel restrictions or other lawful limitations, which he imposed through a Presidential proclamation in October. Most foreign governments have met these minimum standards or are on the path to doing so. For those that the President has designated for restrictions, we have indicated that we will consider relief, but first they must comply with these reasonable, baseline requirements.

This has nothing to do with race or religion, and our goal is not to block people from visiting the United States. America has a proud history as a beacon of hope to freedom-loving people from around the world who want to visit our country or become a part of our enduring democratic republic. Rather, the goal is to protect Americans and ensure foreign governments are working with us—and not inhibiting us—from stopping terrorists, criminals, and other National security threat actors from traveling into our communities undetected.

We are also focused on working with our foreign partners to close overseas security gaps that allow dangerous individuals to travel uninhibited. Many countries, for instance, lack the border security policies, traveler screening capabilities, intelligence information-sharing practices, and legal tools to effectively stop terrorist travel. DHS is examining the full array of tools at our disposal to incentivize and assist foreign governments in making these improvements so these individuals are caught before they reach our borders.

I commend the House Homeland Security Committee for examining these matters as part of its Task Force on Denying Terrorists Entry into the United States. As you prepare your final recommendations, the Department stands ready to work with you to implement them.

DHS is not just concerned with threat actors but also threat agents, such as weapons of mass destruction (WMD). Our intelligence professionals have seen renewed terrorist interest in WMD and are aware of concerning developments on these issues, which can be discussed further in an appropriate setting. That is one reason why the Department is setting up a focal point within DHS for our work to protect Americans against chemical, biological, radiological, and nuclear (CBRN) threats.

The Department's previous approach to addressing CBRN threats was inadequate and our organization for this mission has been fragmented. For nearly a decade, DHS considered internally reorganizing to ensure our Department's counter-WMD

efforts were unified. Given the growing threats and the need to enhance DHS's ability to help respond, I notified Congress of our intent to create a Countering Weapons of Mass Destruction (CWMD) Office using the Secretary's re-organization authority under Section 872 of the Homeland Security Act. We are exercising this authority for a limited, internal re-organization to achieve unity of command, and we intend to work collaboratively with Congress formalize this office and ensure it is postured appropriately to confront the threat. We look forward to continuing to engage with this committee as we examine how to consolidate our counter-WMD efforts, with the goal of ensuring our Nation is safer than ever before.

PREVENTING TERRORIST RADICALIZATION AND RECRUITMENT IN OUR COMMUNITIES

In addition to counterterrorism, the Department is rededicating itself to terrorism prevention. Americans do not want us to simply stop violent plots, they want us to keep them from materializing in the first place. As part of this effort, we have launched an end-to-end review of all DHS "countering violent extremism," or CVE, programs, projects, and activities. In the coming months we will work to ensure our approach to terrorism prevention is risk-based and intelligence-driven, focused on effectiveness, and provides appropriate support to those on the front lines who we rely on to spot signs of terrorist activity.

DHS efforts to combat terrorist recruitment and radicalization fall into four primary lanes.

First, we are prioritizing education and community awareness. Before terrorists have a chance to reach into communities and inspire potential recruits, we are making sure those communities are aware of the threat. This includes extensive outreach to States and localities, awareness briefings, intelligence products regarding threats and trends, training for front-line defenders and civic leaders, and more.

Second, we are focused on counter-recruitment. We know that terrorists will continue to seek new followers through persuasion and propaganda, which is why we must support efforts to actively push back against such solicitations. This includes continuing to encourage non-Governmental organizations to counter-message terrorist propaganda, leveraging credible voices to dissuade potential recruits, working with social media companies and supporting their efforts to make on-line platforms more hostile to terrorists, and more.

Last month, I met with the Interior Ministries of the G7 countries in Italy and some of the largest technology companies and discussed the next steps the companies plan to take in the effort to prevent their platforms from being misused by terrorists, including better identifying on-line terrorist propaganda and shutting down terrorist accounts. The meeting emphasized the importance of working together with our foreign partners while we continue to engage industry on this important issue. The U.S. Government has already made progress by supporting the companies' efforts—including the establishment of the Global Internet Forum to Counter Terrorism—to identify terrorist content so they can voluntarily remove content that violates their terms of service as soon as it is discovered.

Many companies, however, still have substantial challenges in quickly identifying and addressing the volume of terrorist accounts and propaganda on-line. DHS, along with interagency partners, will continue sharing information and educating private-sector partners on how to more quickly identify and address terrorist content. We will also strongly emphasize the importance of counter-messaging and using credible voices to fight back against the false narrative of terrorist groups. Ultimately, as terrorists crowd-source their violence, the best way to fight back is to turn the crowd against them.

Third, we are emphasizing the importance of early warning. Even with strong community awareness and counter-recruitment, terrorist groups will succeed in reaching at least some susceptible minds. That is why we are working to detect potentially radicalized individuals and terrorist activity earlier. This includes building trust between communities and law enforcement, expanding "If You See Something, Say SomethingTM"-style campaigns, ensuring there are appropriate and confidential means for the public to provide tips regarding suspicious activity, and more.

Finally, DHS is looking at what more can be done to counter-terrorist recidivism. It is inevitable that some individuals will be recruited, radicalized, and attempt to engage in terrorist activity. So we want to make sure that once they are caught they do not return to violence. A number of inmates with terrorism affiliations are scheduled for release from U.S. prisons in the next few years. We need to work with the Department of Justice and its Bureau of Prisons, and other interagency partners, to make sure they do not return to violence once released. I look forward to engaging with the committee further on this subject as we identify effective ways to prevent terrorist recidivism.

This summer the Department announced the award of \$10 million in grants to 26 organizations to advance terrorism prevention efforts. These grants will help inform our efforts and illuminate what works—and what doesn't work—in combating terrorist recruitment and radicalization in our homeland. We look forward to sharing the results with Congress.

I also want to note that although our terrorism prevention activities will be risk-based, they will also be flexible enough to address all forms of terrorism. Any ideologically-motivated violence which is designed to coerce people or their governments should be condemned, prevented, and countered. That is why our approach must be agile so it can help mitigate everything from the global jihadist threat to the scourge of violent racial supremacy. It must also engage and not alienate communities targeted by these fanatics. This means working with people of all races, religions, and creeds as partners in the fight against terrorism.

SECURING SOFT TARGETS

As I mentioned earlier, terrorists and other violent criminals are placing significant emphasis on attacking soft targets. We have seen this with recent tragedies in Nevada, New York, and Texas. Although the Department has previously focused on enhancing the security of such facilities, it has recently placed further emphasis on assisting the critical infrastructure community to secure these vulnerable facilities. For example, the National Protection and Programs Directorate (NPPD) will make the Department the National leader on technology, standards, and best practices relating to soft target security. The intent of the effort is to:

- Demonstrably reduce the risk of a successful attack on soft targets;
- Ensure the Department has the capability to support visible efforts to enhance soft target security in order to safeguard the American people;
- Develop a center of gravity for Department-wide resources available to support the critical infrastructure community in securing soft targets;
- Promote a dynamic process to identify and address soft target security gaps based on threats and incidents.

Efforts such as the Hometown Security Initiative, in conjunction with our programs that provide training and informational resources focused on active-shooter preparedness, play a key role in preparing facilities and their employees to proactively think about the role they play in the safety and security of their businesses and communities.

In addition, the S&T SAFETY Act Program provides important legal liability protections of qualified anti-terrorism technologies in order to encourage the development and deployment of effective products and services that enhance security. The Program is intended to provide critical incentives for the development and deployment of anti-terrorism technologies by providing liability protections for “qualified anti-terrorism technologies.”

DEFENDING AMERICA'S DIGITAL FRONTIER

The past year marked a turning point in the cyber domain, putting it in the forefront of public consciousness. We have long faced a relentless assault against our digital networks from a variety of threat actors. But this year, Americans saw hackers, cyber criminals, and nation-states take their attacks to another level. Our adversaries have and continue to develop advanced cyber capabilities. They have deployed them to undermine critical infrastructure, target our livelihoods and innovation, steal our secrets, and threaten our democracy.

Cybersecurity has become a matter of National security, and one of the Department's core missions. With access to tools that were previously beyond their reach, non-state actors now have the ability to cause wide-spread disruptions and possibly, destructive attacks. This is redefining homeland security as we know it. And it is affecting everyone, from businesses and governments to individuals who get swept up in data breaches affecting millions of Americans.

Many of these threats are novel, as illustrated by the attacks on the Ukrainian power grid in 2015 and 2016, and the use of internet-connected consumer devices to conduct distributed denial-of-service attacks. Other recent global cyber incidents, such as the *WannaCry* ransomware incident in May and the *NotPetya* malware incident in June 2017, exploited known vulnerabilities in software commonly used across the globe to create wide-spread disruptive effects and cause economic loss.

DHS defends from these attacks and provides tools to mitigate on-going incidents through the National Protection and Programs Directorate (NPPD), which is in addition to protecting civilian Federal networks collaborates with State, local, Tribal, and territorial governments, and the private sector to defend against cyber threats. Through vulnerability scanning, NPPD limited the scope of potential incidents by

helping stakeholders identify the vulnerability on their networks so it could be patched before the incident impacted their systems. Recognizing that not all users were able to install patches, DHS shared additional mitigation guidance to assist network defenders. As the incidents unfolded, DHS and our interagency partners led the Federal Government's incident response efforts in accordance with agencies' responsibilities set forth in Presidential Policy Directive 41, including providing situational awareness, information sharing, malware analysis, and technical assistance to affected entities.

Cyber actors continue to target the energy sector with various goals ranging from cyber espionage to developing the ability to disrupt energy systems in the event of a hostile conflict. In one recent campaign, advanced persistent threat actors targeted the cyber infrastructure of entities within the energy, nuclear, critical manufacturing, and other critical infrastructure sectors. In response, DHS, the Federal Bureau of Investigation, and the U.S. Department of Energy shared information to assist network defenders to identify and reduce exposure to malicious activity.

In the face of these digital threats, it is a DHS priority to work with Congress on legislation that would focus our cybersecurity and critical infrastructure mission at NPPD. We are pursuing changes that would streamline and elevate NPPD's mission. Through transition from a headquarters component to a DHS operating component, with better structure, the DHS Cyber and Infrastructure Security Agency would be better-positioned to drive our cybersecurity mission.

We are also endeavoring to enhance cyber-threat information sharing across the globe to stop attacks before they start—and to help Americans quickly recover. We work closely with technology providers, information-sharing and analysis centers, sector coordinating councils, and critical infrastructure owners and operators to brief them on cyber threats and provide mitigation recommendations, and our hunt and incident response teams provide expert intrusions analysis and mitigation guidance to stakeholders who request assistance in advance of and in response to a cyber incident.

In all its cybersecurity efforts, DHS draws upon its experience in emergency management and counterterrorism by taking a broad risk management approach. DHS considers cybersecurity risk within the landscape of overall threats to the Nation and an assessment of the likely consequences of cyber incidents which may or may not result in physical impacts.

To increase the security and resilience of non-Federal critical infrastructure, DHS leverages information and expertise gained from the Federal protective mission. DHS makes technical capabilities and programs available to non-Federal entities and provides cybersecurity information and recommendations to, and partners closely with, a variety of private-sector, State, local, Tribal, and territorial, and international stakeholders. This information and technical assistance allows our stakeholders to make informed risk management decisions and to improve their cybersecurity.

At the same time, the U.S. Secret Service and ICE Homeland Security Investigations work closely with FBI, as well as other law enforcement partners, to aggressively investigate, disrupt, and dismantle criminal actors and organizations using cyber space to carry out their illicit activities. The efforts of the network protection and law enforcement experts must be increasingly coordinated within the Department and with other agencies and non-Federal entities. Information about tactics and trends obtained through law enforcement investigations inform other network protection efforts, including those through NPPD, to raise the defensive capabilities of the Nation. And the efforts of network protectors can identify trends, practices, and potentially new victims to shape law enforcement investigations. Together these efforts are an important part of an overall National approach to deterrence by denying malicious actors access to critical U.S. targets, increasing resilience of networks, and by identifying and punishing those who try to use cyber space for illicit purposes.

Bringing together its network protection, law enforcement, risk mitigation, and emergency management expertise, DHS plays a lead role in the Federal Government's response to cyber incidents. Such incidents can result from malicious activity as well as natural or accidental causes. NPPD and DHS law enforcement components provide assistance to impacted entities. I&A and component intelligence offices play a supporting role by providing relevant intelligence support to DHS components from across the intelligence community. Sector-specific agencies provide unique expertise and insights to response activities and help DHS ensure that lessons learned from incidents are incorporated into efforts to protect critical information systems. DHS works closely with sector-specific agencies, the Department of Defense, the Department of Justice, and the FBI before, during, and after incidents.

In support of these operational efforts, DHS also works to strengthen the overall security and reliability of the cyber ecosystem. As cyber space is inherently global, DHS collaborates with the international community to exchange and advocate for best practices and promote the development and adoption of normative behavior to increase security and reliability. Additionally, in order to build up capacity for tackling emerging challenges and supporting the overall cybersecurity mission, DHS drives research, development, and technology transfer efforts and works with industry stakeholders to make the internet and new technologies, like the internet of things, more secure. Finally, DHS prioritizes the expansion of its human resource programs to recruit, hire, develop, and retain personnel with strong cybersecurity skillsets.

2017 HURRICANE SEASON

To say the 2017 hurricane season has been historic is an understatement. To date, we've had four hurricanes make landfall this season, three of which have been major hurricanes (Harvey, Irma, and Maria). Prior to Harvey making landfall on August 25, 2017, FEMA was supporting 28 Presidentially-declared disasters. Since Hurricane Harvey made landfall in Texas, the President has granted 14 Major Disaster declarations and 14 Emergency Declarations, while FEMA has authorized 25 Fire Management Assistance Grant declarations. Hurricane Irma was unique not only because it struck both the U.S. Virgin Islands and Puerto Rico, but also because it struck the entire State of Florida. Hurricane Maria, following in quick succession, then struck the U.S. Virgin Islands and Puerto Rico, more than 1,000 nautical miles from the mainland United States, devastating an area with already fragile infrastructure and facing challenging economic circumstances. In a span of 25 days, DHS, FEMA, and our partners deployed tens of thousands of personnel across 270,000 square miles in three different regions.

The impacts of these events are substantial. Roughly 25.8 million people were affected by these three storms—8 percent of the entire U.S. population. As of November 13, 2017, more than 4.5 million survivors registered for FEMA assistance, which is a greater number than Hurricanes Katrina, Rita, Wilma, and Sandy combined. FEMA's Individual and Households Program (IHP) has thus far approved almost \$2.5 billion in disaster assistance to respond to the three hurricanes, a number we expect to continue to grow. As of mid-November, National Flood Insurance Program (NFIP) policy holders filed approximately 121,000 claims, and the NFIP has paid over \$5 billion to them.

DHS and FEMA alone cannot deliver assistance to this vast number of survivors. Unity of effort is required for disaster response and recovery on any scale, but especially during this historic season. When emergency managers call for unity of effort, we mean that all levels of government, non-profit organizations, private-sector businesses, and survivors must work together—each drawing upon their unique skills and capabilities—to meet the needs of disaster survivors.

For our part on the Federal level, FEMA called upon the vast majority of their workforce, while I engaged over 3,800 other Federal employees through the DHS "Surge Capacity Force." This is significant. FEMA employees come to FEMA knowing they will be deployed into disaster areas, work in austere conditions, and assist survivors. However, when personnel from other Federal agencies volunteer for the Surge Capacity Force, they volunteer to leave their jobs and families, receive just-in-time training, and work in an environment that is completely unfamiliar and outside of their normal job responsibilities. I am incredibly grateful to my colleagues from across the Federal Government for supporting this important initiative, and for allowing their hard-working and dedicated personnel to support disaster survivors who have been impacted by these historic events. Over 22,300 members of the Federal workforce were deployed to Texas, Florida, the U.S. Virgin Islands, and Puerto Rico. This includes 13,892 staff from various offices of the Department of Defense, including the military services. We could not do this without them.

CONCLUSION

I want to emphasize that we are overhauling homeland security to cope with changes in the threat landscape. Our leadership team is breaking down legacy bureaucratic barriers to make DHS operate more efficiently and effectively to counter threats to our Nation. We are ramping up unity of effort within the Department and tight collaboration with law enforcement, the intelligence community, and our allies. And we are looking at ways to further integrate intelligence and operations, so that our actions are driven by timely information and that we respond quickly to new dangers.

Thank you for the opportunity to appear before you today and for your continued support of DHS. I am committed to working with this committee to forge a strong and productive relationship as we work to achieve the shared objective of securing our homeland.

Chairman MCCAUL. Thank you, Madam Secretary.
The Chair recognizes the FBI director, Christopher Wray.

STATEMENT OF CHRISTOPHER A. WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

Mr. WRAY. Thank you, Chairman McCaul, Ranking Member Thompson, and Members of the committee, for the opportunity to talk to you today about the threats that we face and the tremendous work that is being done by the people of the FBI.

I will say that from my prior law enforcement and National security experience, I already knew how outstanding and dedicated the men and women of the FBI were, but I have to say that from the past 3 months here in this job, seeing it from this perch, has made me feel even more humbled and inspired to work with them. The people that I get to work with every day around the country and around the world are mission-focused. They are passionate and they are utterly determined to be the very best that they can be to protect the American people and uphold the rule of law.

In coming back to Government after being gone for about 12 years, what struck me the most is some of the changes that I have seen: The evolution of the threat, the changes in technology, the capabilities that have been built. As I have been getting briefed up on the work we are doing and encountering first-hand how we do our work in today's environment, like we just had in New York, what has really struck me is the magnitude of the threats we face and the diversity of the threats we face.

On the terrorism front, in addition to international terrorist groups and home-grown violent extremists, we also have domestic terrorists intending to influence or coerce our Government through violent criminal activity. In the cyber arena, we have not only nation-states, but also sophisticated criminal actors. In our counter-intelligence work, we face threats from nation-states targeting not just our National security secrets, but also our ideas and our innovation. They are doing so not just through traditional intelligence operatives, but through nontraditional collectors, like scientists and students and businessmen.

On the terrorism issue in particular, my prior experience had been very focused on large, structured organizations like al-Qaeda. To be clear, we still confront threats from organizations like al-Qaeda, planning large-scale attacks over long periods of time. But we also face groups like ISIS, who use social media to recruit followers remotely and to inspire people to take to the streets with crude but effective weapons, like hatchets and vehicles.

Smaller in scale but greater in volume, these organizations, if you can call them organizations, move from plotting to action in a very short period of time, with very little planning, using low-tech and widely-available attack methods. On top of that, these terrorists' use of social media and encryption technology has made it harder to find their messages of hate and destruction, leaving even fewer footprints or dots for us to connect.

The good news is that I have also been very impressed and pleased at the progress that the FBI has made, since I was last working with them, particularly in the areas of intelligence integration and partnerships. Intelligence is now heavily integrated into every program the FBI has, into our overall mission, our training, and it drives really everything we do. In addition to that, the scope and strength of the partnerships that the Bureau now has with our Federal partners, our State and local counterparts, members of the intelligence community, and our international partners are at a whole new level compared to what I saw when I was in Government before.

So while remarkable progress has been made, we cannot become complacent, and we need to keep improving to ensure that we are up to the task in getting ahead of the threat.

As one example, we are now at risk of losing one of the key tools in our toolkit that is invaluable to all of our National security programs that I just mentioned. As I mentioned at the beginning, the speed and agility of our terrorist and intelligence adversaries has increased at a tremendous pace, putting a huge premium on matching that speed and agility with our ability to connect the dots. That is why reauthorization of FISA section 702, which expires in just a few weeks, is so incredibly important to our work. It is one of the most powerful tools that we have to help us evaluate leads and prioritize threat information. It can tell us quickly whether a person here in the United States has ties to a terrorist overseas or if there is someone overseas who is planning an attack.

Mr. Chairman, Ranking Member, Members of this committee, I look forward to working with you on these and other significant challenges. I appreciate the opportunity to be with you today and I look forward to answering your questions.

[The prepared statement of Mr. Wray follows:]

PREPARED STATEMENT OF CHRISTOPHER A. WRAY

NOVEMBER 30, 2017

Good morning Chairman McCaul, Ranking Member Thompson, and Members of the committee. Thank you for the opportunity to appear before you today to discuss the current threats to the homeland. Our Nation continues to face a multitude of serious and evolving threats ranging from home-grown violent extremists to cyber criminals to hostile foreign intelligence services and operatives. Keeping pace with these threats is a significant challenge for the FBI. As an organization, we must also be able to stay current with constantly changing and new technologies that make our jobs both easier and harder. Our adversaries—terrorists, foreign intelligence services, and criminals—take advantage of such modern technology to hide their communications, recruit followers, plan and encourage espionage, cyber attacks, or terrorism, to disperse information on different methods to attack the U.S. homeland, and to facilitate other illegal activities. As these threats evolve, we must adapt and confront these challenges, relying heavily on the strength of our Federal, State, local, and international partnerships.

COUNTERTERRORISM

Preventing terrorist attacks remains the FBI's top priority. The terrorist threat against the United States remains persistent and acute. From a threat perspective, we are concerned with three areas in particular: (1) Those who are inspired by terrorist propaganda and act out in support; (2) those who are enabled to act after gaining inspiration from extremist propaganda and communicating with members of foreign terrorist organizations who provide guidance on operational planning or targets; and (3) those who are directed by members of foreign terrorist organizations to commit specific, directed acts in support of the group's ideology or cause. Prospec-

tive terrorists can fall into any one of these three categories or span across them, but in the end the result is the same—innocent men, women, and children killed and families, friends, and whole communities left to struggle in the aftermath.

Currently, the FBI has designated the Islamic State of Iraq and al-Sham (“ISIS”) and home-grown violent extremists as the main terrorism threats to the homeland. ISIS is relentless and ruthless in its campaign of violence and has aggressively promoted its hateful message, attracting like-minded extremists. The threats posed by foreign fighters, including those recruited from the United States, are extremely dynamic. These threats remain the highest priority and create the most serious challenges for the FBI, the U.S. intelligence community, and our foreign, State, and local partners. We continue to identify individuals who seek to join the ranks of foreign fighters traveling in support of ISIS, as well as home-grown violent extremists who may aspire to attack the United States from within. In addition, we are confronting a surge in terrorist propaganda and training available via the internet and social networking media. Due to on-line recruitment and indoctrination, foreign terrorist organizations are no longer dependent on finding ways to get terrorist operatives into the United States to recruit and carry out acts. Terrorists in ungoverned spaces—both physical and cyber—readily disseminate propaganda and training materials to attract easily influenced individuals around the world to their cause. They encourage these individuals to travel, or they motivate them to act at home. This is a significant transformation from the terrorist threat our Nation faced a decade ago.

Unlike other groups, ISIS has constructed a narrative that touches on all facets of life, from career opportunities to family life to a sense of community. The message isn’t tailored solely to those who are overtly expressing signs of radicalization. It is seen by many who click through the internet every day, receive social media push notifications, and participate in social networks. Ultimately, many of the individuals drawn to ISIS seek a sense of belonging. Echoing other terrorist groups, ISIS has advocated for lone-offender attacks in Western countries. Recent ISIS videos and propaganda specifically advocate for attacks against soldiers, law enforcement, and intelligence community personnel.

Many foreign terrorist organizations use various digital communication platforms to reach individuals they believe may be susceptible and sympathetic to extremist messages, however, no group has been as successful at drawing people into its perverse ideology as ISIS. ISIS has proven dangerously competent at employing such tools for its nefarious strategy. ISIS uses high-quality, traditional media platforms, as well as wide-spread social media campaigns to propagate its extremist ideology. Social media also helps groups such as ISIS to spot and assess potential recruits. With the wide-spread distribution of social media, terrorists can spot, assess, recruit, and radicalize vulnerable persons of all ages in the United States either to travel or to conduct a homeland attack. Through the internet, terrorists overseas now have direct access into our local communities to target and recruit our citizens and spread the message of radicalization faster than we imagined just a few years ago.

ISIS is not the only terrorist group of concern. Al-Qaeda maintains its desire for large-scale spectacular attacks, however continued CT pressure has degraded the group, and in the near term al-Qaeda is more likely to focus on supporting small-scale, readily achievable attacks against U.S. and allied interests in the Afghanistan/Pakistan region. Simultaneously, over the last year, propaganda from al-Qaeda leaders seeks to inspire individuals to conduct their own attacks in the United States and the West.

In addition to foreign terrorist organizations, domestic extremist movements collectively pose a steady threat of violence and economic harm to the United States. Some trends within individual movements will shift as most drivers for domestic extremism, such as perceptions of Government or law enforcement overreach, socio-political conditions, and reactions to legislative actions, remain constant. We are most concerned about the lone offender attacks, primarily shootings, as they have served as the dominant mode for lethal domestic extremist violence. We anticipate law enforcement, racial minorities, and the U.S. Government will continue to be significant targets for many domestic extremist movements.

As the threat to harm the United States and U.S. interests evolves, we must adapt and confront these challenges, relying heavily on the strength of our Federal, State, local, and international partnerships. The FBI is using all lawful investigative techniques and methods to combat these terrorist threats to the United States. Along with our domestic and foreign partners, we are collecting and analyzing intelligence concerning the on-going threat posed by foreign terrorist organizations and home-grown violent extremists. We continue to encourage information sharing, which is evidenced through our partnerships with many Federal, State, local, and

Tribal agencies assigned to Joint Terrorism Task Forces around the country. Be assured, the FBI continues to strive to work and share information more efficiently, and to pursue a variety of lawful methods to help stay ahead of threats to the homeland.

INTELLIGENCE

Integrating intelligence in all we do remains a critical strategic pillar of the FBI strategy. The constant evolution of the FBI's intelligence program will help us address the ever-changing threat environment. We must constantly update our intelligence apparatus to improve the way we use, collect, and share intelligence to better understand and defeat our adversaries. We cannot be content to only work the matters directly in front of us. We must also look beyond the horizon to understand the threats we face at home and abroad and how those threats may be connected.

To that end, we gather intelligence, consistent with our authorities, to help us understand and prioritize identified threats, to reveal the gaps in what we know about these threats, and to fill those gaps. We do this for National security and criminal threats, on both a National and local field office level. We then compare the National and local perspectives to organize threats into priorities for each of the FBI's 56 field offices. By categorizing threats in this way, we place the greatest focus on the gravest threats we face. This gives us a better assessment of what the dangers are, what's being done about them, and where we should prioritize our resources.

Integrating intelligence and operations is part of the broader intelligence transformation the FBI has undertaken in the last decade to improve our understanding and mitigation of threats. Over the past few years, we have taken several steps to improve this integration. First, we established an Intelligence Branch within the FBI, headed by an executive assistant director who drives integration across the enterprise. We also developed and implemented a series of integration-focused forums that ensure all members of our workforce understand and internalize the importance of intelligence integration. We now train our special agents and intelligence analysts together at the FBI Academy where they engage in joint training exercises and take core courses together prior to their field deployments. As a result, they are better prepared to integrate their skill sets in the field. Additionally, our training forums for executives and front-line supervisors continue to ensure our leaders are informed about our latest intelligence capabilities and allow them to share best practices for achieving intelligence integration.

I also urge the Congress to renew section 702 of the Foreign Intelligence Surveillance Act ("FISA"), which is due to sunset at the end of this year. Section 702 is a critical tool that the intelligence community uses properly to target non-U.S. persons located outside the United States to acquire information vital to our National security. To protect privacy and civil liberties, this program has operated under strict rules and been carefully overseen by all three branches of the Government. Given the importance of section 702 to the safety and security of the American people, the administration urges Congress to reauthorize title VII of FISA without a sunset provision.

COUNTERINTELLIGENCE

The Nation faces a rising threat, both traditional and asymmetric, from hostile foreign intelligence services and their proxies. Traditional espionage, often characterized by career foreign intelligence officers acting as diplomats or ordinary citizens, and asymmetric espionage, often carried out by students, researchers, or business people operating front companies, is prevalent. Foreign intelligence services not only seek our Nation's State and military secrets, but they also target commercial trade secrets, research and development, and intellectual property, as well as insider information from the Federal Government, U.S. corporations, and American universities. Foreign intelligence services and other State-directed actors continue to employ more creative and more sophisticated methods to steal innovative technology, critical research and development data, and intellectual property, in an effort to erode America's economic leading edge. These illicit activities pose a significant threat to National security and continue to be a priority and focus of the FBI.

Our counterintelligence efforts are also aimed at the growing scope of the insider threat—that is, when trusted employees and contractors use their legitimate access to steal secrets for personal benefit or to benefit a company or another country. This threat has been exacerbated in recent years as businesses have become more global and increasingly exposed to foreign intelligence organizations. We are also investigating media leaks, when insiders violate the law and betray the Nation's trust by selectively leaking Classified information, sometimes mixed with disinformation, to manipulate the public and advance their personal agendas.

In addition to the insider threat, the FBI has focused on a coordinated approach across divisions that leverages both our classic counter-espionage tradecraft and our technical expertise to more effectively identify, pursue, and defeat hostile State actors using cyber means to penetrate or disrupt U.S. Government entities or economic interests.

Finally, we have initiated a media campaign to increase awareness of the threat of economic espionage. As part of this initiative, we have made a threat awareness video, titled “The Company Man”, available on our public website, which has been shown thousands of times to raise awareness and generate referrals from the private sector.

CYBER

Virtually every National security and criminal threat the FBI faces is cyber-based or technologically-facilitated. We face sophisticated cyber threats from foreign intelligence agencies, hackers for hire, organized crime syndicates, and terrorists. These threat actors constantly seek to access and steal our Nation’s Classified information, trade secrets, technology, and ideas—all of which are of great importance to our National and economic security. They seek to strike our critical infrastructure and to harm our economy.

As the committee is well aware, the frequency and impact of cyber attacks on our Nation’s private-sector and Government networks have increased dramatically in the past decade and are expected to continue to grow. We continue to see an increase in the scale and scope of reporting on malicious cyber activity that can be measured by the amount of corporate data stolen or deleted, personally identifiable information compromised, or remediation costs incurred by U.S. victims. Within the FBI, we are focused on the most dangerous malicious cyber activity: High-level intrusions by State-sponsored hackers and global organized crime syndicates, as well as other technically sophisticated attacks.

Botnets used by cyber criminals are one example of this trend and have been responsible for billions of dollars in damages over the past several years. The widespread availability of malicious software (malware) that can create botnets allows individuals to leverage the combined bandwidth of thousands, if not millions, of compromised computers, servers, or network-ready devices to conduct attacks. Cyber threat actors have also increasingly conducted ransomware attacks against U.S. systems, encrypting data and rendering systems unusable—victimizing individuals, businesses, and even public health providers.

Cyber threats are not only increasing in scope and scale, they are also becoming increasingly difficult to investigate. Cyber criminals often operate through on-line forums, selling illicit goods and services, including tools that can be used to facilitate cyber attacks. These criminals have also increased the sophistication of their schemes, which are more difficult to detect and more resilient. Additionally, many cyber actors are based abroad or obfuscate their identities by using foreign infrastructure, making coordination with international law enforcement partners essential.

The FBI is engaged in a myriad of efforts to combat cyber threats, from improving threat identification and information sharing inside and outside of Government, to developing and retaining new talent, to examining the way we operate to disrupt and defeat these threats. We take all potential threats to public and private-sector systems seriously and will continue to investigate and hold accountable those who pose a threat in cyber space.

GOING DARK

The rapid pace of advances in mobile and other communication technologies continues to present a significant challenge to conducting court-ordered electronic surveillance of criminals and terrorists. Unfortunately, there is a real and growing gap between law enforcement’s legal authority to access digital information and its technical ability to do so. The FBI refers to this growing challenge as “Going Dark,” and it affects the spectrum of our work. In the counterterrorism context, for instance, our agents and analysts are increasingly finding that communications and contacts between groups like ISIS and potential recruits occur in encrypted private messaging platforms.

The exploitation of encrypted platforms presents serious challenges to law enforcement’s ability to identify, investigate, and disrupt threats that range from counterterrorism to child exploitation, gangs, drug traffickers and white-collar crimes. We respect the right of people to engage in private communications, regardless of the medium or technology. Whether it is instant messages, texts, or old-fashioned letters, citizens have the right to communicate with one another in private without un-

authorized Government surveillance, because the free flow of information is vital to a thriving democracy. Our aim is not to expand the Government's surveillance authority, but rather to ensure that we can obtain electronic information and evidence pursuant to the legal authority that Congress has provided to us to keep America safe. The benefits of our increasingly digital lives, however, have been accompanied by new dangers, and we have seen how criminals and terrorists use advances in technology to their advantage.

The more we as a society rely on electronic devices to communicate and store information, the more likely it is that information that was once found in filing cabinets, letters, and photo albums will now be stored only in electronic form. When changes in technology hinder law enforcement's ability to exercise investigative tools and follow critical leads, those changes also hinder efforts to identify and stop terrorists who are using social media to recruit, plan, and execute an attack in our country.

In the criminal context, we are seeing more and more cases where we believe significant evidence resides on a phone, a tablet, or a laptop—evidence that may be the difference between an offender being convicted, or acquitted. If we cannot access this evidence, it will have on-going, significant impacts on our ability to identify, stop, and prosecute these offenders. In the first 10 months of this fiscal year, the FBI was unable to access the content of more than 6,000 mobile devices using appropriate and available technical tools, even though there was legal authority to do so. This figure represents slightly over half of all the mobile devices the FBI attempted to access in that time frame.

Where at all possible, our agents develop investigative workarounds on a case-by-case basis, including by using physical world techniques and examining non-content sources of digital information (such as metadata). As an organization, the FBI also invests in alternative methods of lawful engineered access. Ultimately, these efforts, while significant, have severe constraints. Non-content information, such as metadata, is often simply not sufficient to meet the rigorous Constitutional burden to prove crimes beyond a reasonable doubt. Developing alternative technical methods is typically a time-consuming, expensive, and uncertain process. Even when possible, such methods are difficult to scale across investigations, and may be perishable due to a short technical life cycle or as a consequence of disclosure through legal proceedings.

Some observers conceive of this challenge as a tradeoff between privacy and security. In our view, the demanding requirements to obtain legal authority to access data—such as by applying to a court for a warrant or a wiretap—necessarily already account for both privacy and security. The FBI is actively engaged with relevant stakeholders, including companies providing technological services, to educate them on the corrosive effects of the Going Dark challenge on both public safety and the rule of law.

WEAPONS OF MASS DESTRUCTION

The FBI, along with its U.S. Government partners, is committed to countering the Weapons of Mass Destruction ("WMD") threat (e.g., chemical, biological, radiological, nuclear) and preventing terrorist groups and lone offenders from acquiring these materials either domestically or internationally.

Domestically, the FBI's counter-WMD threat program, in collaboration with our U.S. Government partners, prepares for and responds to WMD threats (e.g., investigate, detect, search, locate, diagnostics, stabilization, and render safe WMD threats). Internationally, the FBI, in cooperation with our U.S. partners, provides investigative and technical assistance as well as capacity-building programs to enhance our foreign partners' ability to detect, investigate, and prosecute WMD threats.

CONCLUSION

Finally, the strength of any organization is its people. The threats we face as a Nation have never been greater or more diverse and the expectations placed on the Bureau have never been higher. Our fellow citizens look to us to protect the United States from all of those threats, and the men and women of the Bureau continue to meet and exceed those expectations, every day. I want to thank them for their dedication and their service.

Chairman McCaul, Ranking Member Thompson, and committee Members, I thank you for the opportunity to testify concerning the threats to the homeland. I am happy to answer any questions you might have.

Chairman McCaul. Thank you, Director.

The Chair recognizes the NCTC director, Rasmussen.

STATEMENT OF NICHOLAS J. RASMUSSEN, DIRECTOR, THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Mr. RASMUSSEN. Thank you, Mr. Chairman and Ranking Member Thompson and Members of the committee. As I mentioned during my testimony before the committee last year, the array of terrorist actors around the globe is broader, wider, and deeper than it has been at any point since September 11, 2001. As we meet here today, the discipline of terrorism prevention is literally changing beneath our feet every day, and it requires that we respond with extraordinary agility and flexibility.

I would like to take the opportunity today to share what I have seen in the way of changes in the terrorism landscape since I last testified before the committee. I will also say a few words about areas where we can do a better job of tackling the threat of those in the homeland who are mobilized to extremist violence and to strengthen our CT capabilities.

So let me begin with what has changed or what is new with the overall threat. Those developments fall into three primary areas. The first of these is the coalition's success in shrinking the territory that ISIS controls in Iraq and Syria as compared to a year ago.

The second major trend is an uptick in attacks inspired by ISIS that we have seen against Western interests around the globe in the last year as compared to attacks that are directed by the group from their headquarters in Iraq and Syria.

The third trend I would point to is the resurgence of aviation threats reaching a level of concern that we in the intelligence community have not faced since AQAP's printer package plot back in 2010.

So to start first with ISIS's losses on the battlefield. ISIS is clearly facing significant battlefield pressure from U.S. forces and the coalition, and the size of the territory the group controls is shrinking day by day. As ISIS copes with that territorial loss, though, the group will look to preserve its capabilities by operating more as a covert terrorist organization and as an insurgency from its few remaining strongholds in Iraq and Syria. Now, this is undoubtedly good news. We are winning on the battlefield, but unfortunately, territorial losses have not translated into a corresponding reduction in the group's ability to inspire attacks, even including here at home.

In over the last year, ISIS has inspired numerous attacks, particularly in the United Kingdom and Europe, and most recently right at home, as has been discussed earlier, in New York City on Halloween. The number of arrests and disruptions we have seen around the globe, while that is a testament to effective law enforcement and intelligent work, it also tells us that the global reach of ISIS remains largely intact, even as the group is being decisively defeated on the battlefield.

Now that uptick in inspired attacks stands in contrast to the pattern of attacks we saw that were directed and enabled by the group from Syria in 2015 and 2016. So far this year, though, we have not

seen the group successfully direct a large-scale sophisticated attack like the Paris and Brussels attacks in previous years. But the number of inspired attacks, as Director Wray mentioned, is clearly on the rise. All of this underscores our belief that there is not a direct link between the battlefield position of ISIS in Iraq and their capacity to continue inspiring external attacks. So battlefield losses are not enough, not sufficient to mitigate alone the threat from ISIS.

It is also worth me saying, even as we are focused on ISIS as a primary terrorism challenge, that al-Qaeda has never stopped being a primary counterterrorism challenge for the United States and a top tier priority. So even as we point to ISIS, we continue to see the continued evolution of al-Qaeda as a resilient organization. We know that al-Qaeda retains the capability intent to carry out attacks against our allies around the world.

I will touch quickly now on the third development that has stood out in the threat environment: The threat to civil aviation. There is a long history to terrorists seeking innovative means to carry out aviation attacks. Aviation has taken center stage again this year, as evidenced by Australian authorities disrupting a plot back in July by terrorists to bring explosives aboard an aircraft.

Terrorists have shown themselves to be persistent, out-of-the-box thinkers with respect to aviation. Aviation-related threats have long been and will remain near or at the top of the things that demand our focused attention.

This brings me to my final point: We need to do a better job of tackling the threat of those mobilized to extremist violence, particularly here in the homeland. One of things we do in the intelligence world quite well—that we do quite well, but we are always looking to improve on—is collecting intelligence and sharing it with those who need it. We share it across our various Federal agencies and increased partners around the country. We also do a great job of pushing Unclassified information to partners around the country.

But beyond just sharing intelligence, there is certainly more we can do to prevent home-grown violent extremists from becoming radicalized, and we need to improve the toolkit that we use to deal with this problem. In short, we must expand our investment in terrorist prevention, specifically here in the homeland, doing what we can to prevent the recruitment of American youth and ensure that communities are equipped to respond and prevent all forms of violence.

Now I am proud of the good work that I do, that my folks at NCTC do in this area, along with Director Wray and Secretary Duke's teams on this matter, but it is something that I am sure we could do better at, and I'm sure we should do on a greater scale. By leveraging all aspects of the elements of the Federal Government, working with State and local partners, I am certain that we can create a better and more significant culture of prevention and resilience across the United States.

I will end there, Mr. Chairman, and once again thank you and the committee for your continued support of the work we are doing at NCTC. Speaking personally, thank you for your friendship, the committee's friendship, and the kind words that you used earlier

today as I move on from Federal Government service and step down from NCTC at the end of December. But even though I am grateful for your kind words, I am also mindful that, whenever I appear before you, I am standing on the shoulders of many hundreds of talented women and men at NCTC. Serving alongside those professionals has been the honor of my life. It is their amazing work that I bring before you as their representative, and I look forward to answering your questions. Thank you.

[The prepared statement of Mr. Rasmussen follows:]

PREPARED STATEMENT OF NICHOLAS J. RASMUSSEN

NOVEMBER 30, 2017

Thank you, Chairman McCaul, Ranking Member Thompson, and Members of the committee, for the opportunity to be with you today. I am pleased to be joined by my colleagues and close partners, Acting Secretary Elaine Duke from the Department of Homeland Security (DHS), and Director Christopher Wray of the Federal Bureau of Investigation (FBI).

THREAT OVERVIEW

Over the past 16 years, we have made tremendous progress in our ability to detect and prevent catastrophic attacks like September 11, 2001. We, along with many of our partners, have built a National security apparatus that has substantially expanded our ability to protect the safety and security of our communities. We share more information—with more frequency and with more partners—than we ever would have imagined possible a decade ago. And, we have reduced external threats emanating from core al-Qaeda and the self-proclaimed Islamic State of Iraq al-Sham, or ISIS, due to aggressive counterterrorism (CT) actions against these groups.

However, both ISIS and al-Qaeda have proven to be extremely resilient organizations. ISIS's strategy to project its influence world-wide, despite geographic losses in Iraq and Syria, by using attacks and propaganda perpetuates fear and continues to attract violent extremists who wish to do us harm. Other terrorist groups around the world also continue to exploit safe havens created by ungoverned spaces and threaten the United States and our allies. Therefore, despite the progress we have made, it is our assessment that the current terrorism threat environment is complex, challenging, and geographically expansive, as we saw with recent attacks throughout Europe, in Egypt, and of course in New York City on Halloween. It is also our assessment that NCTC, along with our Federal partners, must expand our investment in terrorism prevention, specifically in the homeland to prevent the recruitment of American youth and ensure we are equipped to respond to and prevent all forms of violence.

HVES

First, allow me to provide an overview of the most immediate threat to the Homeland which is the threat of violence carried out by Homegrown Violent Extremists (HVEs), which unfortunately, the recent vehicle attack in New York City made painfully clear. While there are multiple factors that mobilize HVEs to violence, ISIS's large-scale media and propaganda efforts will likely continue to reach and influence HVEs in the United States. Despite the recent tragic events in New York, there have been fewer attacks in the United States this year than the past 2 years, and we are working to determine the potential factors that may be responsible for this decrease in successful attacks. Arrests of HVEs remain at similar levels.

What we have seen over time is that HVEs—either lone actors or small insular groups—tend to gravitate toward soft targets and simple tactics of opportunity that do not require advanced skills or outside training. We expect that most HVEs will continue to focus on soft targets, while still considering traditional targets, such as military personnel, law enforcement, and other symbols of the U.S. Government. Some HVEs—such as the Orlando shooter in June 2016 and the San Bernardino shooters in December 2015—may have conducted attacks against personally significant targets. The convergence of violent extremist ideology and personal grievances or perceived affronts likely played a role in motivating these HVEs to attack. We are still working to learn more about what may have motivated suspects in other recent attacks.

ISIS continues to pursue multiple avenues of attack with varying levels of support provided by the group. Over the course of the year we have seen a spectrum of attack plots. This spectrum ranges from those “inspired” by the group—in which ISIS claims responsibility for attacks where the attackers had no direct ties to the group—to attacks “enabled” by the group—when ISIS reaches out to individuals through secure communications to prompt an attack—to “directed” ones, in which the group provides direct support from Iraq and Syria to attempt attacks.

ISIS’s reach and narrative, rooted in unceasing warfare against all enemies, extends beyond the Syria-Iraq battlefield. Since 2014, ISIS has conducted or inspired attacks ranging in tactics and targets—the bombing of a Russian airliner in Egypt; the attacks in Paris at restaurants, a sports stadium, and a concert venue; the killing of hostages and law enforcement officials at a café in Bangladesh; and the growing number of vehicle attacks such as those carried out in Europe over the past year—all of which demonstrate how ISIS can capitalize on local networks on the ground for attacks. The threat landscape is less predictable and, while the scale of the capabilities currently demonstrated by most of these violent extremist actors does not rise to the level that core al-Qaeda had on 9/11, it is fair to say that we face more threats originating in more places and involving more individuals than we have at any time in the past 16 years.

As we saw with the July arrests in Australia, and with the attacks in Belgium and Istanbul last year, terrorists remain focused on aviation targets because they recognize the economic damage that may result from even unsuccessful attempts to either down aircraft or attack airports, as well as the potential high loss of life, and the attention the media devotes to these attacks. ISIS continues to innovate and test for security vulnerabilities in order to further its external operations and challenge our security apparatus. Since the 9/11 attacks, world-wide security improvements have hardened the aviation sector but have not entirely removed the threat. Violent extremist publications continue to promote the desirability of aviation attacks and have provided information on how to target the air domain.

For these reasons, shrinking the size of territory controlled by ISIS, and denying the group access to additional manpower and funds in the form of foreign terrorist fighters and operatives, as well as oil revenue and other financial resources, remains a top priority. Success in these areas will ultimately be an essential part of our efforts to continue reducing the group’s ability to pursue external attacks and diminish its global reach and impact. We have made clear progress in these areas: ISIS has lost over 90 percent of the territory it once controlled in both Iraq and Syria; the number of fighters it has in those countries is significantly down, and its illicit income streams are down. But despite this progress, ISIS’s ability to carry out terrorist attacks in Syria, Iraq, and abroad has not yet been sufficiently diminished, and the consistent tempo of ISIS-linked terrorist activity is a reminder of the group’s continued global reach.

The group’s external operations capability has been building and entrenching during the past 2 years, and we do not think battlefield losses alone will be sufficient to degrade its terrorism capabilities. As we have seen, the group has launched attacks in periods when it held large swaths of territory as well as when under significant pressure from the defeat-ISIS campaign. In addition to its efforts to conduct external attacks from its safe havens in Iraq and Syria, ISIS’s capacity to reach sympathizers around the world through its robust social media capability is unprecedented and gives the group access to large numbers of HVEs.

Over the last 2 years, ISIS has lost several key leaders whose deaths deprive the group of senior members with unique skillsets. However, the group’s effective propaganda continues to inspire violence even after the removal of key spokesmen, as we have seen by the range of radicalized individuals who continue to look to statements by deceased terrorist figures for guidance and justifications to conduct attacks. ISIS’s media enterprise will probably continue to redirect its narrative away from losses to emphasize new opportunities, as seen with ISIS’s recent media attention to territories outside the areas it formerly held in Syria and Iraq. It may also try to paint losses as a rallying cry for revenge against local security forces and international CT-actors, including the United States. Despite international efforts to prevent terrorism on-line, the volume of media availability and its spread across a multitude of platforms and websites will continue to be a challenge but we are steadfast in our containment measures.

Deceased ISIS spokesman and external operations leader Abu Muhammad al-Adnani’s final public statement encouraged ISIS supporters in the United States to conduct attacks at home instead of traveling to Iraq and Syria, suggesting that ISIS recognizes the difficulty in sending operatives to the homeland for an attack. ISIS

likely views the United States as a harder target than Europe because it is further away, U.S. ports of entry are under far less stress from mass migration, and U.S. law enforcement agencies are not overtaxed by persistent unrest, as are some of our counterparts overseas.

The threat environment in Europe is increasingly being driven by Europe-based individuals and small cells who are inspired by ISIS's call to act or receive general guidance from ISIS members elsewhere in the world. The combination of Europe-based operatives and simpler tactics makes identifying, prioritizing, and disrupting these individuals' plots more difficult for our European partners to detect and, is a dynamic that the U.S. Government must consider in order to effectively aid our European counterparts in identifying and disrupting future attacks.

ISIS's leveraging of criminal, familial, and communal ties contributes to its ability to advance plotting in Europe. Many operatives involved in attacks since 2015 have had similar histories of criminal involvement, often petty crime, before becoming radicalized.

ISIS's cadre of foreign terrorist fighters remains key in planning and executing external attacks. While only three of the nearly 50 attacks in Europe since 2015 involved foreign terrorist fighter returnees, those attacks caused over half of the fatalities, suggesting that combat experience plays a role in the success of a sophisticated attack. Two years ago, we confirmed that ISIS successfully sent several operatives—including at least two of the Paris attackers—from Syria to Western Europe by having them blend in with the flow of some 1 million migrants, asylum seekers, and refugees who traveled from Turkey to Greece in 2015. We have not seen ISIS successfully replicate this attack method in more than a year, probably because of increased border security and information sharing among our European partners.

AL-QAEDA

We remain concerned about al-Qaeda's safe haven in Syria because of the presence of veteran al-Qaeda operatives there, some who have been part of the group since before the September 11 attacks, and who are exploiting the conflict there to threaten the United States and our allies.

The Nusrah Front, also known as Hayat Tahrir al-Sham, is al-Qaeda's largest affiliate and one of the most capable armed groups operating in Syria. Its integration of al-Qaeda veterans provides the group with strategic guidance and enhances its standing within the al-Qaeda global movement. We believe the Nusrah Front's statement in July 2016 announcing the separation of the group from the broader al-Qaeda movement was in name only and that Nusrah Front remains part of al-Qaeda, supporting its ideology and intent to target the West. We will continue our efforts to counter this group and the threats it poses to the West.

Al-Qaeda in the Arabian Peninsula, the only known al-Qaeda affiliate to have attempted a directed attack against the United States, continues to exploit the conflict in Yemen to gain new recruits and secure areas of safe-haven, contributing to its enduring threat. The group continues to threaten and call for attacks against the United States in its prolific media production, which includes its English-language *Inspire* magazine providing instruction and ideological encouragement for individual actors.

We have constrained al-Qaeda's effectiveness and its ability to recruit, train, and deploy operatives from its safe haven in South Asia; however, this does not mean that the threat from core al-Qaeda in the tribal areas of Pakistan or in eastern Afghanistan has been eliminated. We believe that al-Qaeda and its adherents in the region still aspire to conduct attacks and will remain a threat as long as the group can potentially regenerate capability to threaten the homeland with large-scale attacks. Al-Qaeda's allies in South Asia—particularly the Taliban and the Haqqani Network—also continue to present a high threat to our regional interests.

We are also cognizant of the level of risk the United States may face over time if al-Qaeda regenerates, finds renewed safe haven, or restores lost capability. We are on alert for signs that al-Qaeda's capability to attack the West from South Asia is being restored and would warn immediately if we find trends in that direction.

We also see increasing competition between violent extremist actors within South Asia itself, between and among the Taliban, ISIS's branch in South Asia, and al-Qaeda. This is an additional dynamic that we are working to understand. While conflict among terrorist groups may well distract them from their core mission of plotting attacks against Western targets, conflict also serves to introduce a degree of uncertainty into the terrorism landscape that raises questions that I don't think we have answers to yet. This is something we are watching very closely.

HIZBALLAH/IRAN

In keeping with the diverse set of threats we face, I would be remiss not to briefly call out the malign activities of Iran and its partner, Lebanese Hezbollah. Iran remains the foremost state sponsor of terrorism, providing financial aid, advanced weapons and tactics, and direction to militant and terrorist groups across the Middle East, all while it cultivates its own network of operatives across the globe as part of its international attack infrastructure.

Lebanese Hezbollah during recent years has demonstrated its intent to foment regional instability, by deploying thousands of fighters to Syria to fight for the Syrian regime; providing weapons, tactics, and direction to militant and terrorist groups in Iraq and Yemen; and deploying operatives to Azerbaijan, Egypt, Thailand, Cyprus, and Peru to lay the groundwork for attacks. The group also has devoted significant resources to expanding its arsenal, including advanced rocket and missile capabilities that threaten interests along the eastern Mediterranean and across the Arabian Peninsula.

In the homeland, FBI's arrest in June of two operatives charged with working on behalf of Hezbollah was a stark reminder of Hezbollah's continued desire to maintain a global attack infrastructure that poses an enduring threat to our interests.

TRENDS

Stepping back, the two trends in the contemporary threat environment that I highlighted before the committee last year continue to concern us. The first is the ability of terrorist actors to communicate with each other outside our reach with the use of encrypted communications. Most recently, terrorists have begun wide-spread use of private groups in encrypted applications to supplement traditional social media for sharing propaganda in an effort to circumvent the intelligence collection and private-sector disruption of their public accounts. As a result, collecting information on particular terrorist activities is increasingly difficult.

The second is that we're seeing a proliferation of a rapidly-evolving threat or plot vectors that emerge simply by an individual encouraged or inspired to take action who then quickly gathers the few resources needed and moves into an operational phase. ISIS is aware of this, and those connected to the group have understood that by motivating actors in their own locations to take action against Western countries and targets, these actors can be effective, especially if they cannot travel abroad to ISIS-controlled areas. In terms of propaganda and recruitment, ISIS supporters can generate further support for their movement, even without carrying out catastrophic, mass-casualty attacks. This is an innovation in the terrorist playbook that poses a great challenge. Further, martyrdom videos and official ISIS claims of responsibility for inspired individuals' attacks probably allow the group to convey a greater impression of control over attacks in the West and maximize international media exposure.

TERRORISM PREVENTION

Given these groups' ability to be innovative, the whole-of-Government must respond with innovative approaches to prevent the radicalization to violence and recruitment to terrorism of individuals, specifically here in the homeland. I would like to talk a bit more about what NCTC is doing to prevent terrorism and the work that we assess still needs to be done.

As a Federal Government, we have taken steps to organize and resource our efforts to prevent terrorism more effectively, under the leadership of DHS and the Department of Justice. We have been successful at helping provide communities with the information and tools they need to identify potential extremists and to engage with them before they reach the point of becoming an actual terrorist.

NCTC accomplishes this mainly through a series of Community Awareness Briefings (CAB) and exercises that are produced and presented in cooperation with our interagency partners. As an example, the CAB, is an Unclassified presentation on radicalization to violence and violent extremist recruitment designed to build awareness and catalyze community efforts to prevent individuals from mobilizing to criminal activity or violence. We also developed the CAB "Train-the-Presenter" Program, which is designed to train local officials to present the CAB themselves to local audiences. Recently, these were expanded to include all forms of violent extremism in the United States to respond to a growing demand from Federal, State, local, and community partners for tools that reflect the full domestic threat picture.

I am proud of all of the good work our Government—to include my colleagues at NCTC—is doing to prevent terrorism here in the homeland, but the reality, as was so tragically demonstrated in New York, is that we have to do more. The scale at

which we undertake these efforts is too limited, and it is certainly not sized to tackle the kind of problem we are experiencing here in the homeland today. But we do know this: Prevention work has a positive impact in the places where we have tried it, we are poised to receive significant metrics through the good work of DHS that will help us better evaluate these efforts, and violent extremism is not a monolith.

The bottom line is that our Government's work to prevent all forms of violent extremism expands the counterterrorism toolkit beyond the hard power tools of disruption, it is resource-efficient, and enables local partners—including law enforcement, social services providers, schools, and communities—to create alternative pathways that can protect our youth from a variety of violent foreign and domestic ideologies. But, we need to reaffirm and expand our commitment to prevention, both resourcing it at the Federal, State, and local level, and maintaining a whole-of-Government effort to continue to keep Americans safe.

CONCLUSION

Chairman McCaul, Ranking Member Thompson, and Members of the committee, thank you for the opportunity to testify before you one this morning. As you know, I have announced my retirement from Government service effective by the end of this year. It has been a pleasure to work with this committee and I appreciate your continued support for the counterterrorism mission.

I am certain my successor, along with our FBI and DHS partners, will carry on the tireless work to defeat the efforts of terrorist groups around the globe and here at home. There is no doubt that the world today is more challenging and more dangerous. But I would also argue that we have more capacity to defend ourselves—more capacity to keep ourselves safe—than we have ever had before.

It has been my privilege to work with the dedicated men and women of the National Counterterrorism Center and serving as the director of this extraordinary organization has been the greatest honor of my professional life.

Thank you all very much, and I look forward to answering your questions.

Chairman McCAUL. Thank you, Director. Thank you for your service to our country over the years.

I now recognize myself for questions.

Secretary Duke, we recently held a hearing with a TSA administrator. Nine-eleven was an aviation attack using airplanes as guided missiles into the World Trade Center and the Pentagon. This is still the crown jewel of ISIS and al-Qaeda. The inspector general produced a report on the findings in terms of screening at airports, and quite frankly, it was, in my words, at the last hearing, disturbing to find that the TSA still has received a failing grade, a failed report card, when it comes to screening. Now, we heard this in 2015, and now we are in 2017.

As you know, with the laptop threat, the ability to convert laptops into bombs and explosive devices to blow up airplanes, possibly in-bound flights into the United States, I think I speak for almost every Member of this committee that we need to take quicker action. There is technology available today. There are pilot programs today using computer tomography. It is like going from an X-ray to an MRI.

Now, a lot of us in the committee have seen this, and so I sent to you a letter requesting that this technology be deployed, not in 2018 or 2019, but as soon as possible, given the nature of the threat that exists. Now, can you respond to that letter?

Ms. DUKE. Yes, Mr. Chairman. We agree with you that computer topography, or CT, is essential as part of our plan to raise the baseline of aviation security. We are currently developing the algorithms necessary to fully deploy that, and agree with you, it is essential for our TSA future.

Chairman McCAUL. What the administrator said was, well, we can't deploy the technology today because we would have to up-

grade the software later. I think we should look at it from the other way around. We should deploy the technology today and stop procuring these X-ray machines. Deploy that technology today and then upgrade the software when it comes available at a later date.

Do you have any thoughts on that?

Ms. DUKE. Yes, I agree. We are moving—we are already procuring some. Like I said, the algorithms are running different materials through to make sure that the machines can detect what we need them to detect. That is in process now, and we are, along with our foreign partners, working on making that the new standard for passenger baggage.

Chairman McCAUL. I believe that is one of the greatest threats to the homeland today. So we will be providing follow-up.

To Director Wray and Rasmussen, you know, the 5 years in my Chairmanship on this committee I saw the rise of ISIS and the rise of the caliphate and the rise of external operations and the threats coming out of that region. I think, fortunately, we are now seeing the fall of the caliphate, the defeat of ISIS in Iraq and Syria. But how do you see this threat evolving as we move on post-caliphate?

Director Wray.

Mr. WRAY. Mr. Chairman, I think as Director Rasmussen said at the beginning, on the one hand, the collapse or the building collapse of the caliphate is good news. But I think the way we are concerned about a number of different things that could come out of that. One is, of course, what everybody in the world is concerned about is foreign fighters returning. I think in our instance, what we are primarily seeing there as a risk is that some of them would return, not directly to the United States, but perhaps to countries, say in Europe, and then from there, come into the United States.

Second, we are concerned about home-grown violent extremists who continue to be inspired by ISIS, even if not directed in the sort-of classic sense. We know that ISIS is encouraging fighters who aspired to travel to stay where they are and commit attacks at home. So those are some of the issues that I think continue to exist, even with the caliphate collapsing.

Chairman McCAUL. Well, and I think the power of ISIS as opposed to al-Qaeda is the internet. I know you have worked with Google, Facebook, Twitter; I have as well. I look forward to working with you and the Secretary to try to get this stuff, and NCTC, off of the internet.

Director Rasmussen.

Mr. RASMUSSEN. I would echo everything Director Wray said, and just make one simple analytic point about a distinction that we have observed between al-Qaeda and ISIS over the years. Al-Qaeda operated, in most ways, as a clandestine covert organization with barriers to entry that made it difficult for individuals in many cases to become members. ISIS sought to become a mass movement. It sought to reach people, regardless of their prior affiliation with extremism, and to literally recruit anyone who would come in the door and agree to align with the ISIS world view. That means that the ISIS variant of this problem has brought us many more individuals who are radicalized around the world. So it is a problem that extends further and wider than the al-Qaeda problem that we face. That is not to say it is all bad news. There is plenty we

have done to mitigate the possibility of a large-scale catastrophic attack, the kind of directed attacks that Director Wray spoke about earlier, so I am not here to solely point to a bad news story. I am just pointing out that it is a different kind of problem today than what we faced a few years ago.

Chairman McCAUL. Thank you.

Final question. Secretary Duke, my home State was hit—was devastated by Hurricane Harvey, parts of my district. Some Members on this committee have been there many times to see the devastation. I understand the decision perhaps was not yours but made of OMB, the office of OMB, but I have to just express my disappointment on the record at the recent \$44 billion, I think, disaster recovery supplemental request. It was just a fraction of what my Governor, Governor Abbott, determined that Texas alone needed to recover. Does not adequately take into account the devastation in the other areas as well. Of course, places in my district have flooded three times over the last 2 years. We need flood mitigation efforts. This is something that Congress will be making decisions on, but we have to entertain, not only the response recovery, but the flood mitigation.

I would like you to respond to that, recognizing that this was not probably your decision to make, but I do want to register my disappointment with the administration on this issue.

Ms. DUKE. Yes, Mr. Chairman. I recognize that the amount in the supplemental did not totally address all the future needs of the disasters we experienced this summer. What that was intended to do is fund the Stafford Act work that needs to be done. Currently, I have looked at it, and I think it is appropriate and it is enough for the near term. We do have more work to do, along with the housing and urban development, and will be with Texas and the other areas until that work is done. I think that the innovative housing program we are doing that, what is known as the section 428 housing program, is going to be really helpful in restoring Texas.

Chairman McCAUL. Well, thank you. I look forward to working with you on that. Thank you.

With that, the Chair recognizes the Ranking Member.

Mr. THOMPSON. Thank you very much, Mr. Chairman. In light of your question, one of the on-going challenges we have is that Stafford Act jurisdiction is in the Transportation and Infrastructure Committee, and FEMA is over here with us. Every time a problem comes up, people look to us and it is where T&I comes. So that is an on-going battle that we have dealt with from our inception as a committee, and I hope some of this gets resolved fairly soon.

Ms. Duke, the inspector general recently notified Congress that a report on the travel ban was being held up in your office. Can you provide us details on why it is being held up?

Ms. DUKE. There was a disagreement between the Office of the Inspector General and DHS on privileges, that included attorney-client privileges and executive privileges. Because the Attorney General does not agree with those privileges, had not issued the report. We feel it is important to maintain some of those privileges, especially since the matter addressed by the report is under litigation.

I feel comfortable that the privileges we had to assert to the report were accurate. However, to be absolutely sure and make sure the public is confident too, we have ordered a third-party review, independent review, to make sure that the privileges that we need to redact that report are sound.

Mr. THOMPSON. But you are aware that the inspector general concluded that the Department violated certain aspects of the law relative to the implementation of it?

Ms. DUKE. The report itself was based on decision making that, you know, by practices is executive privilege. So it was problematic from the start, but we still are committed to working with the Attorney General and making sure that—

Mr. THOMPSON. I understand. But you are aware of their conclusion?

Ms. DUKE. Yes, I am. Yes.

Mr. THOMPSON. All right. Thank you.

Mr. Wray, good to see you again, since we met in another forum yesterday. Can you share with us your analysis of the domestic terrorism threat here in America, and what does it include?

Mr. WRAY. Yes, Ranking Member Thompson. As we have discussed a few times I think, the FBI assesses the domestic terrorist threat to be a significant one, a major one. It presents some of the same kind of challenges that we see with home-grown violent extremists in that you are talking about loosely confederated people with less communication, less sophistication in the plotting of the attacks. Sometimes you have lone offenders, so-called lone wolves, some people like to use that expression, which makes it more challenging from a detection and prevention perspective.

At any given time, including right as we sit here today, the FBI recently has had in the neighborhood of about 1,000 pending domestic terrorism investigations. Those cover the waterfront, from everything from white supremacists and sovereign citizens, militias, all the way to anarchists, environmental extremists, et cetera. But the key point with all of them is that we are only focused on people who are engaged in violent criminal activity. That is what we are investigating, that is what we are focused on. We are not focused on ideology or opinion or rhetoric.

Mr. THOMPSON. Thank you. Can you provide the committee with the most recent reporting on the categorization of those different terrorists?

Mr. WRAY. I would be happy to have my staff get together with yours and see if we can get you some more helpful and detailed information on that.

Mr. THOMPSON. Thank you. One of the things for our departing NCTC director that the FBI director talked about was home-grown violent extremism. You referenced that in your testimony as part of that three-legged stool that you have been concerned about. Can you share with us why that is a concern of yours?

Mr. RASMUSSEN. Absolutely, Mr. Ranking Member. As Director Wray noted, many of the individuals who we categorize as home-grown violent extremists don't typically engage in the kind of behavior that makes detection and disruption easy for the law enforcement and intelligence community. They aren't necessarily communicating, they aren't necessarily gathering in large groups,

they aren't necessarily traveling to conflict zones or engaging in the kind of behavior that would be good predictors that someone might be interested in carrying out a terrorist attack. So that puts a tremendous amount of pressure on law enforcement at the local level and certainly my FBI colleagues to try to figure out who is the person who is just there dabbling and sampling and looking at material, and who is the person that is actually looking to maybe mobilize and actually act on their beliefs and carry out a terrorist attack. So that becomes a much different challenge, a much more difficult challenge than what we face typically in trying to disrupt sleeper—so-called sleeper cells or other terrorist cells that might have infiltrated the country from abroad. It is just a harder problem.

Mr. THOMPSON. So is your testimony that we need more funding to address that increasing home-grown terror threat in this country since you have identified it as a growing vulnerability for us as a country?

Mr. RASMUSSEN. I wouldn't necessarily pose it as being only measured in funding. I think about the communities around the country where I have had conversations with local law enforcement, and they clearly desire greater Federal help, I believe, in understanding the threat landscape and understanding how it is that these home-grown violent extremists appear in their midst. So if we can do that through information sharing, if we can do that through sharing of personnel and best practices, then that to me would be a contribution.

I just don't think—I think the scale of the problem is such that we have to put more effort behind it. I wouldn't isolate funding alone as the issue.

Thank you. I yield back.

Chairman MCCAUL. The Chair recognizes the gentleman from Alabama, Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. WRAY, in October 2015, Director Comey was testifying before this committee, and I asked him if he had the resources he needed to handle the terrorism investigations that were pending before them, and also to investigate the surge of attacks on soft targets that were occurring at the time. His response was, "To be honest, I don't know."

So I know the FBI has been stretched thin over the last few years and had to pull agents off criminal investigations to look into these terrorist attacks. But I would pose that question to you. I know you have only been there 3 months, but have you been able to determine whether or not you have the resources you need to meet the challenges that you face?

Mr. WRAY. Well, at the risk of sounding like my predecessor, but combined with the fact that I have only been there for 3 months, I am still taking stock of that. I will tell you that everywhere I turn, I find people who want the FBI to do more of something, and some day I would like to find somebody who would identify something they would like the FBI to do less of. I haven't met that person yet. So we have a lot of challenges, as you say.

I think we have matured to the point where we are not having to pull people off of programs quite the same way that used to hap-

pen. I think as Director Rasmussen said, it is not just a question of funding; I am not convinced we can spend our way out of the threat. Some of it is getting smarter, some of it is working better collaboratively. I am very pleased with how much better the FBI, which wasn't always that way in long times past, working with its partners in the Federal law enforcement, intelligence community, foreign partners, State and local law enforcement, in particular. So we had to be smarter, we had to get better technology, and we had to make sure we have the right resources. Could we do more if we had more? Absolutely.

Mr. ROGERS. Well, we need you to let us know. If you get to the point that you determine that you need additional resources to be able to meet your needs, we can't fix it if we don't know about it, and try to get you what you need. So I would ask you to not be shy.

Mr. WRAY. Thank you for your support.

Mr. ROGERS. Thank you.

Secretary Duke, welcome back. A lot of work has gone into improving our visa security process, but it is clear that vulnerabilities remain, especially identifying those who are radicalized over the internet. So can you tell us what, if anything, is being done to connect the USCIS and the visa process to the latest intelligence to help vet applicants from high-risk areas?

Ms. DUKE. Sure. We have instituted many new visa review steps that are going to help with making sure that we have the true identity of the persons that are applying for visas, and also that they don't have a criminal purpose in coming here.

One of the biggest things we are doing is the 100 percent interviews, and also looking at advanced information sharing. As we talk about some of the other topics, the speed we are moving at, having that information sharing with the other countries is absolutely critical, and doing the vetting against the databases. Also, social media checks, where applicable, have played a huge role in better vetting of visa applicants. Those are a few of the areas.

Mr. ROGERS. OK. This may not be dramatically different from that answer, but what steps is DHS taking under the Trump administration to develop and implement what he has referred to as extreme vetting?

Ms. DUKE. Well, it has been a multi-level step. First, we decided what vetting should be, what additional steps should we take in vetting people. Then we compared the country's performance.

Mr. ROGERS. What were those additional steps?

Ms. DUKE. Those additional steps were making sure that passports had biometrics, that we had copies of those passports, that countries provided us advance information, those similar types of steps. We have a full report on that that we can provide. Then we compared the—and the country's actually using our databases and us using theirs. Then we compared the country's performance against that, and we have instituted get-well plans, if you will, for the countries that don't fully conform to the new vetting standards.

Mr. ROGERS. So would you assert then that this new status of extreme vetting is fully implemented now?

Ms. DUKE. It is fully implemented. We always have to get better. I think that every time we put a fix in place, the enemy gets—adapts to it, but it is in place.

Mr. ROGERS. Great. Thank you very much.

Mr. Chairman, I yield back.

Chairman MCCAUL. The Chair recognizes the gentleman from Massachusetts, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman. Thank you for being here, and thank you for your service. It is much appreciated.

Secretary Duke, you mentioned that terrorists will use any weapon at their disposal, you know, on different terrorist threats, so I have a question for Director Wray in that regard. There is tens of thousands of individuals, and many of the attacks we are talking about, guns were clearly a part of this, and firearms and weapons. Tens of thousands of individuals removed from the NICS background check, the National Instant Criminal Background Check, for guns after the FBI changed its interpretation of and limited who is considered a fugitive from justice. That decision was made in February. It is now December. We have no idea how many people bought firearms this year, even though there are outstanding warrants for their arrest, just because there is no evidence they crossed State lines.

Now, how did this decision come to be? Isn't this a gap in trying to secure our safety and trying to keep these kind of weapons away from terrorists and their—you know, we have websites that are telling people and directing people how to get these kind of weapons, but we have fugitives from justice now in our own country that aren't being picked up by the NICS system now. Could you just tell us why that was done, and if there is something to fix this gap, which I think is a very serious one?

Mr. WRAY. Thank you, Congressman. The change that you are referring to was the product of several years' long debate, as I understand it, between the FBI and the ATF about the interpretation of that prohibiter, the fugitive prohibiter under the Brady Act. The FBI interpreted it as not requiring crossing of State lines, and the ATF had interpreted it differently. Under the prior administration, the Justice Department came down with a legal determination, prompted in part by the inspector general, and resolved that legal disagreement about what the statute meant in favor of the narrower interpretation that is different from the FBI's interpretation at the time.

So I think it was in January that that change was—legal change was declared. The Department, again, under the prior administration, as I understand it, sent a notification to both the House and Senate Judiciary Committees notifying them of the change and the impact of the change and, essentially, inviting legislative fix. So it may be the kind of thing that can be addressed through legislation. But once that change went in place, the FBI promptly complied.

Mr. KEATING. Well, thank you for clarifying that. So that is on our watch now as Members of Congress to change this, and I hope we do.

Secretary Duke, thank you too for clarifying and agreeing to move forward on the CT technology and getting that in the field. That is something our last hearing really had a great concern

about. Thank you for doing that. But Administrator Pekoske too said that the other issue is a budgetary issue in moving these things forward. I realized through, you know, the monies that people pay for a fee outside of things on their own as they board airplanes, that that money was moved, again by Congress, away from that.

But can you tell us right now, if we provided that budgetary assistance, you would be able to move quicker for that new technology in the field. Do you agree with the administrator on that?

Ms. DUKE. Yes. We have the money to deploy, to build out complete research and development and deploy some machines. You know, as the FBI director said, there is always more to do, but right now, I feel comfortable that we are deploying that technology. We also have the commitment of some of our foreign partners.

Mr. KEATING. If I could, my time is running out. If indeed there were more money—he indicated it is a budgetary issue as well. Is that correct?

Ms. DUKE. It is a prioritization issue, yes.

Mr. KEATING. All right. I think it is a priority, if we are going to keep our people safe here in this country that are traveling in the airlines.

Quickly, the NRC, Nuclear Regulatory Commission, in terms of cyber attacks, has tried to upgrade requirements for nuclear plants. I have one in my district facing, in a few years, decommission, and they have applied for a waiver away from these cybersecurity upgrades so that it is not there for an attack.

It is my understanding that Homeland Security really doesn't have the role, that it is really the NRC. Don't you think you should have a direct role in this? I think you should. I don't think the Nuclear Regulatory Commission is the right agency by itself to be making those kind of safety considerations in terms of a cyber attack.

Ms. DUKE. Yes. To my knowledge, you are correct, that we don't have that specific role in waiving. We do assist the critical infrastructure sectors, but do not have that direct regulatory role.

Mr. KEATING. Well, thank you. I would like to engage your office in terms of trying to suggest ways to shore that up. It is another gaping hole.

Thank you, and I yield back.

Chairman MCCAUL. The gentleman yields back.

Just a quick clarification, Madam Secretary. Are the monies available today to purchase the computer tomography technology?

Ms. DUKE. We have some funding for the CT technology. We do not have the funding to deploy it at every airport.

Chairman MCCAUL. Would that require a reprogramming by Congress?

Ms. DUKE. That would require—to buy for every airport would require much more than a reprogramming.

Chairman MCCAUL. OK. I would like to follow up with you at a later date on that. Thank you so much.

Ms. DUKE. OK.

Chairman MCCAUL. The Chair recognizes the gentleman from Pennsylvania, Mr. Perry.

Mr. PERRY. Thanks, Mr. Chairman. Thanks, ladies and gentlemen, for your attendance and your service.

Secretary Duke, you talked a little bit about the vetting process and the extreme vetting process a little bit. I would just like to drill down on that a little bit and ask you: Is there a system to investigate or at least query in a minimal sense, at least, the intending entrance for an ideological affinity to some other alien or hostile legal system opposed to the U.S. Constitution, similar to what was done by the United States during the Cold War with some of our adversaries whose potential entrants wanted to come into our country?

Ms. DUKE. Yes. An affiliation with an ideology or a country that is known for ideologies that are contrary to the United States is something we look at in terms of the extreme vetting.

Mr. PERRY. So there is literally a question-and-answer portion to that? Or when you say you look at it, what does that mean in practical terms?

Ms. DUKE. One of the things we look at is where a person has traveled to, and if they show a travel pattern in countries that have a high degree of terrorism, we look at that. We also look at social media, if appropriate, to see if there is anything on it that indicates they are following terrorists websites, those type of things, for example.

Mr. PERRY. Well, not only just terrorist websites, but things that are antithetical to the West and democracy and our Constitution is what I would be interested in as well. Not only just terrorism, but that. I am wondering, do you literally question them? As opposed to just looking at their travel and maybe social postings, do you ask them: Do you agree with the United States Constitution? Would you uphold and defend the United States Constitution? Do you believe that sharia law should supersede, for instance, the Constitution?

Ms. DUKE. I do not know the specific questions of the interview, but I can get back to you. I do know they adapt based on the person's scenario.

Mr. PERRY. Absolutely. I appreciate it, and I will look forward to a continuing conversation on that.

Director Wray, thanks for your service. Good luck to you. Just curious if you can tell me if the FBI has taken any steps to reverse the previous administration's purge of training courses and information about Islamism, jihad, sharia, and the Muslim Brotherhood?

Mr. WRAY. Congressman, I am not aware of any on-going efforts to purge training material.

Mr. PERRY. They were purged in the last administration. So my question is: Have you taken any steps or has the FBI, as you know it, taken any steps to reverse that purge or include some of those things that allow us to see in totality the threat that faces America?

Mr. WRAY. I have not studied what has been done in the training, but I appreciate your bringing that issue to my attention and I am happy to take a hard look at it.

Mr. PERRY. OK. If we could have a continuing conversation on that as well, I would appreciate it.

Director, antifa operates across the United States in ways that involve, at least potentially, criminal inter-State activities, such as inciting riot and conspiracy to incite riotous behavior. I am wondering if the FBI is doing anything to counter antifa in that regard, including and investigating their funding sources?

Mr. WRAY. As I mentioned to Ranking Member Thompson, we do have a very active domestic terrorism program. While we are not investigating antifa as antifa, that is an ideology and we don't investigate ideologies, we are investigating a number of what we would call anarchist extremists investigations, where we have properly predicated subjects of people who are motivated to commit violent criminal activity on kind-of an antifa ideology. So we have a number of active investigations in that space all around the country.

Mr. PERRY. So that space would include individuals, but if a group itself, even though, like you said, it is an ideology, but if the group is receiving funding to promote that ideology, which is not congruent with the law, is that something that you delve into, especially when it crosses State lines?

Mr. WRAY. Well, certainly, any time we are doing a domestic terrorism investigation, whether it is just into an individual or to, let's say, a collection of individuals, we do enterprise investigations when there are multiple individuals working together. The funding that supports violent criminal activity is absolutely something we are keenly interested in.

Mr. PERRY. OK, I appreciate it.

Finally, Director Rasmussen, regarding antifa and their international networks, can you describe how the NCTC acts to counter them, if you do?

Mr. RASMUSSEN. Thank you for the question, but we actually don't. With respect to domestic terrorism issues here in the United States, my agency's mandate and authorities are limited to matters of international terrorism, and that was in the founding legislation that created NCTC. So we defer to FBI in this role.

Mr. PERRY. So if there are international connections to these groups that are operating domestically, you turn that over, you don't take any—

Mr. RASMUSSEN. Well, certainly, if there was intelligence that tied any individual here in the United States to a foreign terrorist organization, that changes the nature of the problem and becomes very much a collaborative effort with the FBI.

Mr. PERRY. But if it is not a foreign terrorist organization, but foreign organizations or foreign funding, does that invoke your authority?

Mr. RASMUSSEN. Not to my—I don't believe so, unless it would involve a foreign terrorist organization. But if that kind of intelligence were to emerge, we would certainly make sure our FBI colleagues were aware of it.

Mr. PERRY. Thank you, sir.

I yield back.

Chairman MCCAUL. The Chair recognizes the gentlelady from New York, Miss Rice.

Miss RICE. Thank you, Mr. Chairman.

So this question is for Director Wray. Earlier this week, Karim Baratov, a Canadian citizen, pled guilty to charges that he worked for the Russian intelligence service, FSB, as part of the 2013 Yahoo hack that led to the theft of 500 million Yahoo accounts, one of the largest cyber breaches in history. Three other conspirators, including two Russian FSB officers, have been indicted, but have evaded arrest. This case is the first time the United States has issued criminal charges against Russian officials for a cyber attack, even though Russian aggression has continued to rise in that area.

We have seen large-scale cyber attacks on U.S. companies Equifax, Uber, Verizon. They are just some of the biggest breaches this year. What other cyber attacks do you suspect Russian involvement in?

Mr. WRAY. Well, without commenting on any specific investigation, I think you have put your finger on what we view as one of the more dangerous emerging threats, which we refer to as a blended threat, which is the—and it is particularly seen in the exact example that you mentioned, the Yahoo attack, where you have the blend of a nation-state actor, in that case the Russian intelligence service, using the assistance of criminal hackers, which you think of almost like mercenaries being used to commit cyber attacks.

One of the reasons we thought that bringing that particular case was important, even though, as you say, some of the defendants are Russian Government officials who are safely in Russia, was to try to highlight to the public the importance of being vigilant on this threat. So we are seeing emergence of that kind of collaboration, which used to be two separate things, really, sort of nation-state actors and criminal hackers. Now there is this collusion, if you will, that is occurring on a number of instances.

Miss RICE. What do you think Russia's motivation is for these attacks?

Mr. WRAY. Well, I think Russia is attempting to assert its place in the world and relying more creatively on a form of asymmetric warfare to damage and weaken this country economically and otherwise.

Miss RICE. We have been focused today on terrorist threats at home and abroad. Should the American people consider Russia's repeated attempts to breach their personal data as a terrorist threat?

Mr. WRAY. Well, I think it is certainly a threat we should take seriously as a National security matter or a homeland security matter. I don't know that we would brand it a terrorist threat, but I think that, to me, is sort-of a labeling issue more than anything else. It certainly is a very serious threat that the public needs to be aware of and that we are all working collectively to try to do more to combat.

Miss RICE. I guess it depends on what you feel the motivation is at the end of the day, what their motivation is, and is this just a part of getting to that ultimate goal?

What steps are you taking to, in your department, taking to deter these attacks? No. 1. Do you expect any future indictments of Russian officials, without naming any? Last—or just on this part of the question, do you believe that they will ever be extradited and brought to the United States for trial?

Mr. WRAY. Well, taking you to the last part of your question first, we don't have an extradition relationship with Russia. So if they stay in Russia, I wouldn't necessarily expect to see them coming to the United States. On the other hand, if they travel, that is going to be a challenge for them, because they are now, at that point, fugitives wanted by the FBI.

Miss RICE. Would we pursue them then?

Mr. WRAY. Absolutely.

As far as what we are doing, we have tried to model more and more our cyber efforts along the sort-of more developed front that we have in the terrorism space. So we have—just like we have JTTFs in all 56 offices, we have cyber task forces in all 56 field offices that are multi-agency, that have 184 different agencies participating.

We have something called CyWatch, which is a lot like our National terrorism watch, where we coordinate closely with DHS and others. We are trying to do more private-sector outreach, because one of the things that is different in the cyber space than the terrorist, is the need to kind-of work with the private sector.

Miss RICE. I am glad to hear you say that, because I think that is a great idea.

Finally, Russia's interference in the 2016 election was an unprecedented attack on our democracy. What are you, specifically your agency, doing to protect our election systems in 2018?

You know, the Chairman has been really, I think, bravely outspoken on this issue in talking about how this is not a political issue, it is an American issue. It is a democratic issue. Are you working with social media companies to prevent the dissemination of Russian fake news and limit the effects of Russian trolls?

Mr. WRAY. So first, needless to say, I take any effort to interfere with our election system by Russia or any other nation-state or any non-nation-state extremely seriously because it strikes right at the heart of who we are as a country. We have, at the FBI, we are focused very much forward-looking on the next, you know, couple of election cycles.

So we are doing a couple of things. We have a foreign-influence task force that I have stood up inside the FBI that brings together different divisions of the FBI, because it is a multidisciplinary kind of problem. So it has got a counterintelligence dimension, a cyber dimension, a criminal investigation dimension. We coordinate closely with DHS, which has responsibility for the critical infrastructure dimension of our election system.

We are coordinating with our foreign partners because, happily for me, we don't have elections every year in this country, but other countries do, and we can learn from what Russians and other countries are trying to do with other elections in terms of the tradecraft, et cetera. So we are trying to kind of get in front of it and figure out and be on the lookout for efforts to interfere going forward. So that is, at a high level, a summary of what we are doing.

Miss RICE. Thank you very much. Thank you, Mr. Chairman.

Chairman MCCAUL. Thank you.

The Chair recognizes the gentleman from New York, Mr. Donovan.

Mr. DONOVAN. Thank you, Mr. Chairman. I thank all of you for what you do to protect our Nation, and the sacrifices you and your families make for our families.

Secretary Duke, you noted in your testimony that you are rethinking homeland security for a new age. In many cases, however, DHS is still operating on the same authority that it was issued 15 years ago. Our role, we have to ensure that you have the tools and the resources you need to address the ever-changing threatened landscape in our Nation.

As you know, earlier this year, this committee, under the leadership of Chairman McCaul, crafted, and the House of Representatives approved, the first-ever comprehensive DHS reauthorization bill. The bill authorizes vital grant programs for first responders. It enhances intelligence and information sharing, and it provides authorities for a number of DHS components, like ICE, CIS, and the Coast Guard.

What effect will this reauthorization bill have on the Department's ability to meet its mission? How important is it that the Senate expeditiously acts on this piece of legislation for you in your efforts of the brave women and men who work for you?

Ms. DUKE. Thank you. We think the reauthorization bill is very important to DHS, and what it will do is it will help us partner with Congress in terms of prioritizing and making sure that we are focused with laser vision on the homeland security issues that face our country. So I think it is very important because this is an enduring threat, and to make sure that we are unified and focused would be one of the most significant effects.

Mr. DONOVAN. How is the lack of action over in the Senate and the lack of the reauthorization bill that we passed handcuffing, curtailing your efforts in what you are trying to achieve for our Nation right now?

Ms. DUKE. I think with a lack of authorization, we have many different opinions and jurisdictions over what should be the priorities for our Nation. So it makes it more complicated to move forward crisply and clearly, especially on both the authorization and on the appropriations side. Where do we put that next dollar toward what risk in which way?

Mr. DONOVAN. It sounds to me like there is a lack of certainty of what the future will hold for the agency unless Congress acts to allow you to plan and prepare for the future.

Ms. DUKE. Yes. It certainly—it does cause—it is a lack of clarity, definitely.

Mr. DONOVAN. Thank you very much.

Director, I welcome my fellow New Yorker.

Ranking Member Thompson and my colleague from Pennsylvania, Mr. Perry, were speaking about this crossing of State lines for rioting and matters that you are facing now. I am always concerned about people using disguises and masks, like they did at the Berkeley riots, preventing their identity from being revealed to law enforcement.

We are a legislative body that is charged with creating laws to help you protect our Nation. I have always asked witnesses at hearings, what tools do you need? What could this committee do? What could Congress do to aid the brave agents that work for you?

What laws would you like to see us create that will help you address some of these things, like people crossing State lines for rioting, enhancing Federal sentencing for that, disguising their identities during these riots?

I know there are some local laws. I was the prosecutor—I was the elected DA, one of the five DAs of New York City for 12 years. What could we do for you to help you in the efforts to protect our Nation and our families?

Mr. WRAY. Needless to say, Congressman, that is a question I would love to answer for hours. So I appreciate the question. I think, looking down at the clock with the 45 seconds remaining, the thing I would say more than anything else, I would urge every Member of this committee to support reauthorization of section 702, and not to erode the important tool that we have there.

Just to give some context, the reason why that is so important, the FBI's ability to query its own database, which is what 702 allows us to do, is picture a situation where some person in this country buys a huge amount of hydrogen peroxide. Nothing wrong with that, necessarily, but we know hydrogen peroxide is a precursor for terrorist attacks. It can also be used for other things.

So if the merchant sends the FBI a tip that, hey, somebody brought an unusual amount of hydrogen peroxide, here is the email address for it, right now, under 702, the FBI agent doing a National security investigation can run that email address. If it turns out that that person is in contact with a known ISIS recruiter overseas, suddenly, that purchase becomes a lot more important and we can mobilize the scarce resources we have talked about in a way to make that a priority.

If 702 is eroded, we lose that ability and we make people less safe. So there are a lot of tools I think we could add, but right now, I am very focused on not losing the one that we need and that we have already. Thank you.

Mr. DONOVAN. Wonderful. Thank you again for your service. By the way, Bill Sweeney is a great SAC in New York. Unless you are going to promote him, leave him there, OK? Thank you.

Chairman MCCAUL. The Chair recognizes the gentleman from California, Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman and Ranking Member Thompson, for holding this important hearing.

One of the very important purposes of this committee is to assess and address all threats posed to our country. Given the ISIS-style attack in Charlottesville by white supremacists, I asked this committee to hold a hearing on white supremacists terrorism.

In February 2015, the Department of Homeland Security issued an intelligence assessment warning that sovereign citizen extremist ideology would prompt violence across the United States. In May 2017, the Joint Intelligence Bulletin produced by the FBI and the Department of Homeland Security stated that white supremacists were responsible for 49 homicides and 26 attacks from 2000 to 2016, more than any other domestic extreme movement.

We must not take our eyes off the ball in regard to threats posed to our country. We were unprepared for 9/11, and there is no excuse if we are not prepared for another large-scale attack like that

of Oklahoma City. With that being said, I want to thank the FBI and the other agencies.

I have a *New York Times* article from August that says, “Bombing plot in Oklahoma City is stopped with the arrest, FBI says.” This individual was looking to take out many, many people. It says here Mr. Varnell espoused an anti-Government ideology and had expressed an interest in carrying out an attack that would echo the bombing of the Federal building in Oklahoma City in April 1995 that killed almost 170 people.

So thank you very much for that very good work, to you and the other agencies.

Director Wray, and Acting Secretary Duke, as you know, Congress passed Senate Joint Resolution 49 that was signed by the President in September. It condemned the racist violence and domestic terror attacks in Charlottesville, and urged the President and the administration to use all available resources to address a growing prevalence of domestic terrorist groups.

My questions are, are you in your organizations doing anything differently since this resolution was signed?

Ms. DUKE. We support the FBI strongly. I think what we have done recently is make sure that we are doing the training and the information sharing with the State and local governments. We believe that with both domestic terrorism and home-grown violent extremists, two different groups, but they are both decentralized, and we need the State and local governments, especially the local, to be one part. So we are working closely—

Mr. CORREA. Acting Secretary, you mentioned earlier as well that there was a blurring of lines between domestic and international activities. So following up on your coordination of locals, do you also—have you put that same effort, will you put that same effort in coordinating with our allies and our neighbors to the north and to the south?

Your predecessor here, in this committee, said if those threats get to the border, we have essentially lost the fight. So, what are we doing to make sure these terrorist threats don’t get even close to our borders?

Ms. DUKE. The most important thing is information sharing and partnering. We need to know about them early on before they board planes, before they move.

Mr. CORREA. So are you working with our allies and our neighbors to the north and south?

Ms. DUKE. Absolutely. North and south, and also the European Union and other European countries. But definitely, Canada, Mexico, the Northern Triangle, and South America.

Mr. CORREA. Sir.

Mr. WRAY. So on the white supremacists threat in particular in the wake of Charlottesville, we had a conference call with all of the SACs, you know, from around the country trying to make sure that they had learned—they could learn from the experience in Charlottesville, in particular, and people were pooling ideas and information about things they were seeing.

We have JTTFs in every field office, and they have that as one of their specific areas of focus.

Mr. CORREA. So I would ask both of you, are you doing anything different in terms of following databases, updating databases, trying to track white supremacists groups in the United States, compared as to the efforts you would put to track ISIS-style terrorists that are threatening our citizens?

I believe both of those groups pose equal threats. An American citizen that loses their life to a terrorist attack, whether it is motivated by ISIS or it is motivated by white supremacists, it doesn't matter, it is still a tragedy in our society and our country. So are you doing anything to refocus to make sure that these white supremacist groups are being followed and being monitored as you would any other group?

Ms. DUKE. One of the major things we have done very recently is open the Office of Terrorism Prevention Partnerships, which is making sure every piece of information we get, the State and local governments have to be at the point to notice and deal with any types of hate crimes in these groups. Training and information sharing are two of our major efforts.

Mr. WRAY. We have stepped up investigative interest, but we do not, as I think you may know, we do not, on the domestic terrorism front, investigate groups in the same way. In other words, because of the First Amendment issues and the freedom of expression issues and the somewhat ugly history that the FBI has had in the past, we have very specific rules on the domestic terrorism front where, in order to open an investigation, there has to be credible evidence of Federal crime, a threat of force or violence to further a political or social goal. If we have all of those three things, then we open a very aggressive investigation.

Mr. CORREA. Thank you. Mr. Chairman, I am out of time, but I would like to ask unanimous consent to submit this statement for the record. It is by Dr. Erroll Southers from University of Southern California. It is a statement, "World-wide Threats Keeping America Secure in the New Age of Terrorism."

Chairman MCCAUL. Without objection, so ordered.

Mr. CORREA. Thank you.

[The information follows:]

SUBMITTED FOR THE RECORD BY HONORABLE J. LUIS CORREA

STATEMENT OF DR. ERROLL G. SOUTHERS, PROFESSOR OF THE PRACTICE OF GOVERNANCE, DIRECTOR, SAFE COMMUNITIES INSTITUTE, DIRECTOR, HOMEGROWN VIOLENT EXTREMISM STUDIES, SOL PRICE SCHOOL OF PUBLIC POLICY, UNIVERSITY OF SOUTHERN CALIFORNIA

SEPTEMBER 12, 2017

Chairman McCaul, Ranking Member Thompson, and distinguished Members of the committee, thank you for the opportunity to provide this statement. The purpose of this statement is to offer insight into the current landscape of domestic terrorism and offer considerations for facilitating positive outcomes going forward.

INTRODUCTION

The "Unite the Right rally" in Charlottesville, Virginia, on August 12 ended in an ISIS-style attack, which was glaring evidence that the American white nationalist movements have learned from foreign terrorist groups and eclipsed ISIS as the principal terrorist threats in the United States, both in social media and off-line.

Three days before the deadly white nationalist rally, the Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A) distributed a confidential warning in coordination with local, State, and Federal authorities at the Virginia

Fusion Center. It stated that an escalating series of confrontations between white supremacists and anarchists would likely make the event “among the most violent to date.”

I&A’s warning was presciently accurate, and DHS has for years identified right-wing extremism as a pressing domestic terrorist threat. In 2009, for example, DHS I&A released “Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment,” which outlined a growing threat from white supremacist and violent anti-Government groups, largely fueled by the election of the first African-American president, Barack Obama.

There are many threats to the United States espousing a range of political ideologies and citing a list of grievances against the country. As the people of Charlottesville, Charleston, Portland, and the Maryland campus of Bowie State know all too well, the terrorist threat from right-wing extremists is manifest. It is essential that administrators and lawmakers commence counterterrorism considerations with the solemn acknowledgement that terrorism and violent extremism are an existential threat to the Nation no matter whether they are informed by a religious, racist, bigoted, or nationalistic ideology.

HOME-GROWN VIOLENT EXTREMISM

The terrorist threat to the United States most often originates within the United States. Home-grown violent extremism (HVE) refers to violence that is committed to advance an ideology and is perpetrated in the country where the attacker embraced the ideology. An American who embraces a Muslim Identity ideology within the United States is a home-grown violent extremist, and so too is an American who embraces an ideology positing racial superiority and advocating violence. As tragically demonstrated in a number of victimized communities, the greatest violent extremist threat to America is home-grown.

The home-grown threat is not homogenous, and U.S. policies must not treat it as such. Policies prepositioned to focus on the “other,” or engaging in “otherism,” are destined to miss the mark. Too often, U.S. counterterrorism efforts have looked narrowly at the threat from extremist Muslims. While groups like al-Qaeda and ISIS do present a valid and immediate threat to the United States, they are not the only threat, nor are their beliefs the only extremist ideology that demands violence against the United States and its citizens.

If we are serious about countering the growth of HVE, we need to legitimately focus our efforts on all forms of it. As a starting point for that, we need look no further than across the Atlantic to see what happens when programs intended to counter HVE focus on only one group and community.

THE FAILURES OF PREVENT

In 2003, in an effort to reduce the risk of “al-Qaeda-inspired” recruitment, radicalization, and related terrorist incidents, the United Kingdom launched the Preventing Violent Extremism Strategy (Prevent). It was considered one of the best in the world when it was first implemented. At its core, Prevent focused on radicalization and recruitment prevention (rather than simply HVE detection) and acknowledged the importance of enlisting the community in the fight against terrorism. Yet, the Prevent strategy ultimately failed in its initial form. It focused exclusively on Muslim communities—not unlike some of the counterterrorism efforts that have been more recently launched in the United States. Prevent also funded efforts in Muslim communities based on the size of the Muslim population in a given area, instilling the perception that the program was geared toward intelligence gathering in Muslim communities. As a result of poor design and implementation, the program engendered mistrust, frustrating efforts to collaborate with communities to address the risk of recruitment and radicalization.

In the United States, we have headed down a similar (and ultimately futile) path. This is demonstrated by the fact that community-based organizations in several cities that were successfully awarded DHS CVE grant funding rejected the award after learning of the administration’s intent to narrow future counterterrorism efforts on Muslim extremism. This is one of many consequences of focusing public policy and public ire on one group of home-grown violent extremists. And meanwhile, the right-wing extremist threat grows bolder, more violent, and greater in number.

GROWING THREAT FROM RIGHT-WING EXTREMISTS

Effective homeland security and public safety policy should be rooted in data. Numerous studies over many years have repeatedly concluded that the home-grown threat to the United States exceeds that from foreign nations. Certainly, we must thank the heroic efforts of our intelligence community and armed services for so ef-

fectively thwarting terrorist threats from abroad. As a result, however, our greatest terrorist threat is home-grown. If we examine the past 2 years, the evidence is clear.

The ADL report, “Murder and Extremism in the United States in 2015,” examined domestic terrorism and extremism in a year that claimed victims in Charleston, Chattanooga, Colorado Springs, and San Bernardino. It was the deadliest year of domestic extremist killers since 1995, the year another home-grown terrorist, Timothy McVeigh, bombed the Murrah Federal Building in Oklahoma City.

In 2015, domestic extremists killed 52 people, more than the numbers killed in 2013 and 2014 combined. The report states that four domestic extremist groups perpetrated the 52 murders, with white supremacists and extremist Muslims accounting for 38 percent and 37 percent of the fatalities, respectively.

The ADL’s 2016 report on U.S. extremism was dominated by the Orlando nightclub shooting, in which 49 people were murdered by a home-grown violent extremist. Importantly, however, the data shows that in the same year, 20 other people had already been murdered by white supremacists in 11 separate incidents. The Orlando attack was horrific, but in terms of which home-grown violent extremist groups constitute the most lethal threat, the death toll from Orlando obscured the fact that right-wing violent extremism was a far more frequent threat to manifest.

Meanwhile, law enforcement is increasingly facing attacks from home-grown extremists. An analysis of “shots-fired events” between law enforcement and home-grown extremists since 2009 reveals there were 77 shots-fired incidents attributed to numerous extremist groups. With their number of shots-fired events, these included:

- White supremacists (38)
- Anti-Government extremists (25)
- Islamic extremist (9)
- Black nationalist (2)
- Left-wing extremist (1)
- Anti-abortion extremist (1)
- Anti-Muslim extremist (1)

Local law enforcement has the best finger on the pulse of domestic threats in our communities. In that regard, key findings in the “Law Enforcement Assessment of the Violent Extremist Threat” study (2015) of 382 law enforcement agencies in the United States “consider anti-Government violent extremists, not radicalized Muslims, to be the most severe threat of political violence they face.”

Right-wing extremist groups are also showing an affinity for using social media to organize and recruit new followers. ISIS was a pioneer in the use of social media for extremist radicalization and recruitment. However, a recent study reveals that on Twitter (ISIS’s preferred social platform), American white nationalist movements have seen their followers grow by more than 600 percent. Additionally, white nationalists and Nazis had substantially higher follower counts than ISIS supporters and tweeted more often. In the months leading up to Charlottesville, leaked chat room discussions “reveal an intense level of planning and Nation-wide coordination,” as “Unite the Right demonstrations were dominated by a younger, more tech-savvy generation of white supremacists than in past protests.”

THE IMPORTANCE OF FORMERS

Successful forays into field research can yield extraordinary and important connections. The most valuable relationships in the HVE domain are those with individuals who have radicalized to an ideology and later disengaged from it. These “formers” are best able to answer questions about why and how their radicalization took place.

Over several years, the “formers” I have interviewed individuals who formerly counted themselves among the ranks of neo-Nazis, mujahedeen, skinheads, Lashkar-e-Taiba and anti-Government adherents, to name a few. The radicalization experiences, as told by formers, are as dissimilar as their ideologies, but for two common features. First, they all connect their decisions to explore an extremist ideology to a “cognitive opening,” a period in which one’s beliefs are malleable and open to radical change.

Second, their sense of alienation is accompanied with a sense of altruism and a desire and belief that the status quo can be changed. We are only beginning to learn the processes and openings that lead individuals to an extremist ideology. It is only in “safe spaces”—where law enforcement, researchers, health practitioners, and other relevant professionals can engage with “formers”—that we will be able to more deeply study why and how radicalization occurs on an individual level and from that develop more effective techniques for addressing the most pressing HVE threats.

A WHOLE-OF-COMMUNITY APPROACH

The current CVE strategy is under fire after years of mistrust, based on perceptions about the program's intentions and ultimate goals. This should come as no surprise, as the CVE initiative in many ways repeated the mistakes of the UK Prevent program in its first iteration. Rather than continue down a fruitless path that ultimately alienates communities, the United States is well-served to explore other methods for collaborating with threatened communities. Importantly, the intention should be grounded in the notion that we seek to prevent extremist recruitment and radicalization—and not profile terrorists. A community-led strategy, for example, provides a way for all community stakeholders to identify shared concerns, build consensus and most importantly, develop strategies and tactics adapted for a community's local, specific concerns.

Going forward, we must have counseling resources on disengagement and deradicalization for the diverse ideologies that threaten our Nation. The goal is to draw them back from the violent extremist fold, serving as a bridge between the family and institutions like schools, social services and, if applicable, prosecutors, law enforcement or employers. In that regard, I caution the administration to avoid the notion of a "hotline" system, and to avoid the use of that term altogether, should a resource system be considered. The term may be misinterpreted as a line for providing intelligence information, removing the critical element of trust, which is desperately needed.

Appropriate policies, processes, and technologies are the foundations of security. Those elements are most effective when informed by research and empirical data. This is a complex problem, most often as unique as the individuals who walk the radicalization pathway. There is only one element we can influence in this process and that is the community. Violent extremists do not live in a vacuum, and all terrorism is local. If we are to enhance social morality, responsibility, and community integrity, with the intended outcome of facilitating community-based efforts to identify and explore solutions to this challenge, it begins with acknowledging and removing policies cultivating community animosity and stoking alienation. The time to change our policy toward radicalized Americans is now and that process begins here.

Chairman MCCAUL. The Chair recognizes the gentleman from Louisiana, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman.

Director Wray, thank you for your service to your country. I specifically thank you for bringing up the importance of 702 as an invaluable tool for your investigative services in defense of our Nation. I am a strong supporter of it and shall be a vocal voice as the debates move forward.

Please describe, in at least general terms, what programs the FBI currently implements to monitor potentially seditious activity inside U.S. mosques and Islamic centers known to be affiliated with the Muslim Brotherhood or other Islamic extremist organizations.

Mr. WRAY. Well, Congressman, we investigate international terrorism matters, global jihadi-inspired directed matters, and we will follow them wherever they may lead, and in some cases that may lead to specific individuals. If they are in a mosque and we are investigating them, then we would continue the investigation there.

Mr. HIGGINS. Do you monitor the advertised appearances of known radical imams that speak at Islamic centers across the country? I ask this specifically because a known radical imam spoke in my district recently, and it was completely under the radar. No media, no law enforcement knowledge. I found out from my own informant that he appeared within my district and spoke.

So I am wondering, does the FBI monitor the websites and social media announcements of the movements and the appearances of known radicalized jihadist imams?

Mr. WRAY. We certainly have a variety of social media exploitation efforts under way that are focused on the kind of problem you are describing, and we also have, in some cases, properly predicated investigations of specific subjects. In some cases, those have been even imams. There have been cases where we have pursued a matter that even led to, you know, arrest, indictment, and conviction.

I think back to my prior time in Government in the Justice Department. There was the case against Abu Hamza, for example, who was a very active cleric in that space. So again, that is giving an example of the kind of thing we do.

Mr. HIGGINS. Just quickly, within this non-Classified setting, would your investigative efforts include human assets?

Mr. WRAY. Absolutely. I appreciate you bringing that up, because one of the things that I think is increasingly important with all the kind of challenges that we have described, all three of us have described in the terrorism arena, is the ability to use human sources.

Mr. HIGGINS. Yes, sir.

Mr. WRAY. We need to be able to work with the communities around the country to be able to get people to come forward. Because when you have somebody who is radicalized in a very short period of time in some cases, the best hope we have of finding out before the person commits an attack and kills somebody, is to have somebody speak up and talk to law enforcement. So it is important that we earn the confidence of the community in order to be able to generate human sources, and that is a very high priority for us.

Mr. HIGGINS. Thank you sir. And 702 enhances your ability to use human assets. Is that correct?

Mr. WRAY. Yes.

Mr. HIGGINS. Thank you, sir.

Secretary Duke, thank you for your service to your country, Madam. I have one question. The U.S. electric grid is dangerously unsecured against the threat of electromagnetic pulse based on a nuclear explosion. Can you, within this setting, please explain what steps the Department of Homeland Security is taking to secure the U.S. electric grid on an expedited basis? Further, what can this committee and this body do to assist in that effort?

Ms. DUKE. Yes. This is a relatively new threat that we have been looking at in our critical infrastructure sector. We have a strategy that will be completed before the end of this calendar year, late in December. We will be sharing that strategy that will help us start to better address the EMP threat, along with the geomagnetic disturbance threats.

Mr. HIGGINS. You have a study that will be concluded by the end of this year?

Ms. DUKE. Yes. The target date is December 23 currently.

Mr. HIGGINS. You will share that with this committee?

Ms. DUKE. Yes.

Mr. HIGGINS. Thank you. Mr. Chairman. I ask that a speech from the Freedom Flame Award Dinner and two articles from the *Washington Times* be included for the record, and I yield the balance of my time.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

SUBMITTED FOR THE RECORD BY HONORABLE CLAY HIGGINS

SPEECH BY THE AMBASSADOR OF THE STATE OF ISRAEL TO THE CENTER FOR SECURITY
POLICY'S FREEDOM FLAME AWARD DINNER

DECEMBER 14, 2016

Judge Jeanine, thank you for that kind introduction. And thank you for your exemplary service to this country and for your friendship to my country.

I want to recognize my fellow honoree Mort Klein. Thank you for your unshakable commitment to the Jewish future. But Mort, I think every once in a while, you need to take a stand and tell people what you really think.

I also want to thank another steadfast friend of Israel, Frank Gaffney.

Churchill once famously remarked, "You have enemies. Good. That means you have stood up for something, sometime in your life."

Well, if you have enemies, Frank, it's because you have stood up for something, many times in your life.

And that something is freedom—an unwavering commitment to freedom—for America, for Europe, for Israel, for everyone.

I think I speak for the people here tonight and for many who are not here when I say thank you for standing up for all of us.

I also want to thank the Center for Security Policy for giving me this prestigious award. I deeply appreciate it, even though I don't think I've earned an award won by the likes of Margaret Thatcher and Jean Kirkpatrick.

The magnificent Iron Lady, who once made Britain great again, and the brilliant U.N. Ambassador, who understood that defeating totalitarianism sometimes meant working with authoritarian regimes, were two of the West's most powerful voices of moral clarity during the Cold War.

But while I have not earned this award, the country I have the privilege of representing certainly has.

Because since the day it was established, Israel has been proudly holding up freedom's flame in a dark and dangerous Middle East.

During the Cold War, Israel stood faithfully by America's side in a fight against an evil empire. We defeated Soviet client states on the battlefield. We safeguarded a vital square on the global chess board.

And we created an island of liberty in a sea of tyranny.

No less important, for decades, Israel has manned freedom's front lines in the battle against a fanatic ideology that has taken over large swathes of the Middle East and which endangers my country, the region and the world.

That ideology is called militant Islam. I use the words militant Islam very precisely. The enemy we face is not militancy and it's not Islam—it's militant Islam.

There are many militant individuals and groups. Timothy McVeigh and Ted Kaczynski can be aptly described as militants. Terror groups like the FARC and the Tamil Tigers who are responsible for the murder of tens of thousands of people are militant organizations.

But while these individuals and groups are extremely dangerous, they are not part of a global movement. Militant Islam is.

The forces of militant Islam have struck in New York and Orlando, London and Paris, Bali and Bangkok, Sydney and Buenos Aires, and dozens of other places across the world.

In the Middle East and North Africa, they have struck in every country between the Straights of Gibraltar and the Khyber Pass.

To be sure, militant Islam is not monolithic. There are Sunni branches, such as ISIS, al-Qaeda, Boko Haram in Nigeria, al-Shabaab in Somalia, and Hamas in Gaza.

There are Shia branches, such as the Ayatollah regime in Iran, the various Shiite militias in Iraq, the Houthis in Yemen and Hezbollah in Lebanon.

These branches have different theologies.

The militant Sunnis are fixated on the early 7th Century. The militant Shiites are fixated on the middle of the 10th Century. Perhaps one day they'll compromise and decide to take us all back to the late 8th Century.

And while militant Islamists always fight Christians, Jews, Yazidis, Kurds, and other non-Muslims, they also ferociously fight one another in their battle over who will be the king of the militant Islamic hill.

Yet for all their differences, all the branches and sub-branches of militant Islam are rooted in a similar radical ideology and fired by the same fanaticism.

They all seek to reverse history—and the rise of the West—and restore Islam to its former glory.

For all of these groups, the answer to their problems is Islam—in one radical form or another.

That is why the seemingly disparate forces of militant Islam are in fact part of the same global threat.

And that is why they must be countered as part of a global strategy.

But ladies and gentlemen, just as the enemy we face is not mere “militancy,” the enemy we face is also not Islam.

Islam is a faith with some 1.7 billion adherents throughout the world. And faiths—including the faith of Islam—are malleable things.

I suspect there are a few people here who disagree with me about that. They can rightly point to many differences that set Islam apart from Christianity, Judaism, and other faiths. They can rightly argue that Islam has a unique theology, has been influenced by a unique culture or has been shaped by unique geopolitical forces.

But as those skeptics point to the intricacies of theology and culture, I hope they also consider the historical record—not just of Islam but of other faiths.

To the best of my knowledge, the New Testament was canonized in the fourth century.

While the text of that book has not changed since then, the faith practiced by Christians certainly has.

The Christianity that for centuries justified the slaughter of Jews all across Europe, and that spread anti-semitism to every corner of the globe, is not the same Christianity that was preached by abolitionists who fought slavery in the 19th Century or that is practiced by Evangelicals in the 21st Century.

So too, the relatively tolerant Islam practiced in 12th Century Spain and practiced for some 13 centuries in Persia until 1979 is not the Islam of ISIS or the Islam of today’s Ayatollah regime.

Admittedly, it is troubling that to find a more tolerant Christianity one only need look to the present whereas to find a more tolerant Islam one must largely look to the past.

But my point is that Islam, like other faiths, has evolved—and I see no reason why it cannot or will not evolve again.

So do not assume that the forces ascendant in the Muslim world today will be the same forces ascendant in the future.

Whether that happens or not will mostly depend on changes that will come from within the Muslim world. But the pace and extent of those changes depends partly on us as well.

It depends on not painting all Muslims with a single brush and not declaring nearly one-quarter of the world’s population irredeemable.

It depends on recognizing that the greatest victims of militant Islam are those Muslims who do not accept its unforgiving creed.

And it depends on helping those who seek to reform Islam from within.

Let me read you the words of one of those reformers.

“I’m really offended when people are intimidated, terrified, and killed under the pretext that such practices are part and parcel of divine teaching ordered by God.

I feel offended when destruction and sabotage are promoted as a heavenly triumph for God on earth. I swear that nothing could ever be built on destruction, demolition, or murder.”

Those words were not scrawled by a dissident languishing away in some dungeon in the Middle East.

Those words were spoken last week at a religious university by Abdel Fatah al-Sisi, the president of Egypt.

And here is another voice from the Middle East commenting about terror attacks perpetrated in the name of Islam:

“Their only link to Islam is the pretexts they use to justify their crimes and their folly. They have strayed from the right path, and their fate is to dwell forever in hell . . . They think—out of ignorance—that they are engaging in Jihad . . . Is it conceivable that God . . . could order someone to blow himself up or kill innocent people? Islam, as a matter of fact, does not permit any kind of suicide—whatever the reasons or the circumstances.”

Those words were not spoken by some apologist at a liberal think tank in Washington.

They were delivered 3 months ago in Arabic in a televised speech by Mohammed VI, the king of Morocco.

Ladies and gentlemen, when the president of Egypt and the king of Morocco say things like this, something is happening in the Middle East.

It does not mean that the problem of militant Islam has suddenly vanished. But it does mean that there are serious partners in the region who are fighting militant

Islam in ideological terms—partners who cannot be dismissed as secular heretics but who are themselves devout Muslims who have the credibility to challenge the Islamists' claims to represent Islam.

Ladies and gentlemen, the reformers within Islam are real, and we should be doing everything we can to help them.

You know what one of the best ways to help them is? To confront the Islamists they are fighting—and to defeat those Islamists again and again and again.

You know, bin Laden said that people follow the strong horse. If you want proof of that concept, just consider how many Chicago Cubs fans have suddenly appeared out of nowhere.

You know, until a few weeks ago, I knew a grand total of four Cubs fans. Now they're all over the place.

Like winning baseball teams, winning ideologies attract more followers and terror groups that appear to have the wind at their backs gain more recruits.

That is why the forces of militant Islam must not only be confronted. They must be routed and vanquished in every part of the world.

In the Middle East, Israel is engaged in that battle every day against Iran's terror proxies Hezbollah and Hamas and against various other terror groups that threaten us from Syria, Sinai, and elsewhere.

Israel will continue to do what is necessary to prevent the transfer of game-changing weapons to Hezbollah and to ensure that Iran does not open a new terror front against us in Syria.

Israel would welcome a political settlement in Syria that would bring an end to the horrible carnage and suffering there.

But Israel will oppose a settlement that cedes Syria to Iran and its proxies—something that will only increase the threat to us and others in the future.

Israel will also do what is necessary to defend itself against Hamas. In Gaza, Iran is helping Hamas and Islamic Jihad develop an indigenous rocket manufacturing capability—making them less reliant on smuggling weapons.

To paraphrase an old saying, give a terrorist a rocket and he'll fire for a day. Teach him how to make rockets, and he'll fire for the rest of his life.

Besides Israel, there are others Arab states in the region that are fighting the forces of militant Islam.

This battle against a common enemy has turned many in the Arab world who were once adamantly opposed to Israel into de facto allies.

Our sincere hope is that this new alliance will enable us to build lasting bridges of coexistence, something Israel hopes to discuss with the incoming Trump administration.

But to seize those opportunities, we must work together to confront the greatest danger of all—the marriage of militant Islam and nuclear weapons. That is the ultimate game-changer that could lead to the ultimate nightmare.

To assume that a militant Islamic power would obey the rules that have been obeyed by all other nuclear powers is to gamble with the security of the world.

Militant Islamists break the rules. They take over embassies. They destroy millennial-old statues. They fly into skyscrapers. They make the unimaginable imaginable.

Militant Islam is capable of anything because it is fundamentally different. Huntington wrote of a clash of civilizations.

The truth is that there is a competition of civilizations. The last three decades has witnessed the rise of Asia that has brought billions of people into the global economy and resulted in a natural realignment of power between East and West.

But wedged between East and West is militant Islam. And this civilization—if you want to call it that because it's more like an anti-civilization—this anti-civilization is in a clash with all the rest.

Militant Islam does not seek to flex its muscles within the international order. It seeks to up-end that order.

Everyone who cares about peace should do everything to prevent such a fanaticism from ever arming itself with nuclear weapons.

That is why Israel so strongly opposed the nuclear deal with Iran. Had that deal blocked Iran's path to the bomb, believe me, Israel would have been the first to support it.

But this deal does not block Iran's path to the bomb. It ultimately paves it.

Rather than dismantle Iran's military nuclear capability, this deal merely places restrictions on that capability for a limited time—restrictions that are automatically removed even if Iran does not change its behavior.

So in 10 to 15 years—actually now it's 9 to 14 years—Iran could remain the foremost sponsor of terror in the world and legitimately enrich enough uranium to place it on the cusp of having the material for an entire nuclear arsenal.

In the mean time, without violating a single clause in the nuclear deal, Iran can conduct R&D on more and more advanced centrifuges.

And unless it is stopped, Iran will continue to defy U.N. Security Council resolutions to build intercontinental ballistic missiles for its future nuclear arsenal.

Here's a news flash. Iran and Israel are on the same continent. So those ICBMs are not for Israel. They're for you.

As Prime Minister Netanyahu said on "60 Minutes" this Sunday, Israel looks forward to discussing with the Trump administration the nuclear deal with Iran as well as a dangerous Iranian regime it has helped strengthen. We hope to forge a common policy with the administration that can help advance stability and security in our region.

Ladies and gentlemen, defeating militant Islam will require more than confronting and defeating its forces in the Middle East. It will also require not allowing people in our own countries to keep us from identifying and understanding the enemy.

Because an enemy you refuse to name is an enemy you will never understand. And an enemy you do not understand is an enemy you will never defeat.

I recognize that there are those who believe that by naming the enemy militant Islam people will mistakenly believe that the enemy is Islam itself rather than a virulent ideology now ascendant in the Muslim world.

But those who speak euphemistically of "militants" or "violent extremists" should not be surprised if others reject such political correctness and respond by mistakenly replacing militant Islam with Islam itself.

We must also reject the shameful efforts of some to prevent any serious discussion about the nature of the enemy we face.

I realized the full extent of those efforts only after a controversy erupted over my being here tonight.

The day you announced that I was being given this award, the spokesman at my Embassy received an email from the Southern Poverty Law Center asking me why I was accepting an award from what they called an anti-Muslim hate group.

I was a bit surprised. First, because I have known Frank Gaffney for many years. And while I don't agree with every single thing he says and believes, Frank is no hater and no bigot.

Second, because I have followed the work of the CSP for many years. And while I do not agree with every policy position you have taken or every view expressed by every member of your organization, the CSP is not only an unabashed defender of Israel, it is also no hate group.

But I must admit, the fact that it was the Southern Poverty Law Center that was making this allegation got my attention.

Because I always thought highly of that organization. After all, when I was growing up in this country, the SPLC went after the KKK. They used the courts to fight against the evil of racial segregation and systematic discrimination. In my mind, they were the ones who targeted the real haters of the world. So I read with great interest what they sent me. And when it came to their allegations against you, there was nothing that justified the wholesale defamation of this organization or its leadership.

But then I read some more. I discovered that the SPLC had made up a list of those whom they label anti-Muslim extremists.

And as I read this list, I was simply stunned.

Daniel Pipes, one of the great scholars of the Middle East, was on it.

So too was Maajid Nawaz, a former Islamist who now fights against Islamists.

But the biggest shock of all came when I saw a name on that list of someone I regard as a hero—Ayaan Hirsi Ali.

For those of you who do not know Ayaan, she was the Dutch parliamentarian who in 2004 produced a film with Theo Van Gogh called *Submission*, which focused on the oppression of women in the Muslim world.

Because of that film, Van Gogh was assassinated by a fanatic Muslim and Ayaan was forced into hiding. She has had to live with death threats and under constant protection ever since.

Yet rather than cower in anonymity, Ayaan writes books, publishes articles, makes speeches, and fights for her ideas—in particular the need for sweeping reform in the Muslim world.

Today, Ayaan Hirsi Ali is one of the world's great champions of freedom, pluralism, and tolerance.

And every self-respecting group that claims to value any of those things should be defending her not defaming her.

Yet in an Orwellian inversion of reality, a woman whose life is threatened every day by extremist Muslims is labeled by the SPLC an anti-Muslim extremist.

Have those who put Ayaan on that list no shame? Have they no decency?

The SPLC and others who asked me not to come here tonight claim to support free and open debate. But in reality, they seem to want to stifle debate.

They preach tolerance for those who look different. But they are in effect practicing intolerance to those who think different.

Unfortunately, some have amended that famous Voltairian dictum to be “I hate what you say and I will never defend your right to say it.”

I will defame you as an extremist. I will label you a racist and a bigot. I will put you on the blackest of lists that should be reserved for Nazis, for the Klan, and for the true enemies of mankind.

Well, ladies and gentlemen, I don’t stand with the defamers and the blacklisters. I stand with Ayaan Hirsi Ali. We all should stand with Ayaan Hirsi Ali.

For if we do not stand with her, then the values she champions—the same values we cherish—will be under threat and the dangers we face will only grow.

We must not let the defamers and blacklisters succeed. We must not let them turn into pariahs those erudite scholars and courageous reformers who are trying to enlighten us about ideologies that threaten our way of life.

For more than our values are at stake. Our lives are at stake. Because without the wisdom of those scholars, without the courage of those reformers, we will have a much more difficult time winning the fateful battle that is under way.

That is why I am truly honored to accept this freedom flame award tonight.

I accept it in the name of a country that has proudly held up a light of liberty and decency in a dark and cruel corner of the world.

Israel will continue to hold that torch high, steeled by our values and confident in our destiny.

But like free countries everywhere, Israel needs America to hold up its torch even higher.

The battle is far from over. I am not even sure that we’ve reached the end of the beginning.

But I am confident that with the help of organizations like this, with the clarity and courage of people like Ayaan Hirsi Ali, and with the support of millions of Americans across this great country, that the flame of this last best hope on earth will burn brighter than ever and help secure our common future.

ARTICLE SUBMITTED FOR THE RECORD BY HONORABLE CLAY HIGGINS

MAINSTREAM CONSERVATIVE GROUPS ALARMED TO BE FOUND ON “HATE MAP”

By Valerie Richardson, Washington Times, August 17, 2017.

Brad Dacus was thousands of miles away in California last weekend when the Charlottesville protest erupted, so he was flabbergasted when CNN labeled his Pacific Justice Institute a “hate group.”

“Here are all the active hate groups where you live,” said the CNN wire story headline on Chicago’s WGN-TV website.

The article listed the 917 organizations on the Southern Poverty Law Center’s much-disputed “hate map,” which names racist groups like the Aryan Nation alongside mainstream conservative organizations such as the Alliance Defending Freedom and the Family Research Council.

Mr. Dacus’ conservative Sacramento-based institute, which specializes in religious-liberty cases, was featured on the CNN list right below the Pacific Coast Knights of the Ku Klux Klan.

“Why is the Southern Poverty Law Center doing this? It’s simple. They want to vilify and isolate anyone that doesn’t agree with their very extremist leftist policy and ideology,” said Mr. Dacus. “This isn’t about defending civil rights; this is about attacking civil rights.”

Other conservative groups blasted CNN and called on the cable network to retract the article.

“I am shocked that CNN would publish such a false report on the heels of the Charlottesville tragedy,” said Mat Staver, Liberty Counsel’s founder and chairman. “To lump peaceful Christian organizations, which condemn violence and racism, in with the KKK, neo-Nazis and white supremacists is offensive. This is the epitome of fake news and is why people no longer trust the media.”

Conservatives have repeatedly called out media outlets this year for uncritically repeating the SPLC’s “hate group” label, calling it inaccurate and arguing that it has put their organizations at risk for violence.

It’s not hypothetical.

In 2012, Floyd Lee Corkins shot and wounded a Family Research Council security guard and later told authorities that he wanted to kill as many employees as possible after finding the group on the SPLC's "hate map."

Tom McClusky, former vice president of government affairs at the Family Research Council, took to Twitter to say, "Thanks for the reminder @CNN of this inaccurate map. Last time I saw it one of my friends got hit with a bullet. Real responsible reporting."

Mr. McClusky, now executive director at March for Life Education and Defense Fund, noted in another tweet that "@CNN decides to reprint map that guided shooter to try to kill me & my colleagues because of our view on marriage."

In June, Liberty Counsel sued the charity tracker GuideStar for defamation for adding the SPLC tag to its list of nonprofits. GuideStar later removed the labels from its listings but said the information would be available upon request.

"Using the Southern Poverty Center as a source for information shows that CNN is not interested in reporting news but rather creating scandal and security threats," said Mr. Staver. "It is well known that the SPLC label against peaceful, nonviolent people and organizations has motivated some unhinged people to commit violence. This is no time to exploit the tragedy of Charlottesville."

CNN did not immediately return a request for comment Thursday but did add an editor's note to the story saying that the headline was changed to make it clear that the information came from the SPLC.

The new headline said, "The Southern Poverty Law Center's list of hate groups." In addition, CNN said it had replaced the list of 917 "hate groups" with links to the SPLC website.

"Some critics of the SPLC say the group's activism biases how it categorizes certain groups," said the CNN story. "But since the FBI doesn't keep track of domestic hate groups, the SPLC's tally is the widely accepted one."

That "hate group" listing may be widely accepted on the left, but it's widely rejected on the right.

Earlier this year, the Philanthropy Roundtable's Karl Zinsmeister called the SPLC a "cash-collecting machine," pointing to its \$50 million in contributions in 2015 and \$334 million in holdings. In May, the Federalist's Stella Morabito called it a "big-money smear machine."

The Alabama-based center added to its coffers Wednesday with a \$1 million donation from Apple CEO Tim Cook, who also said he would match 2-1 donations to the SPLC as well as a list of other designated groups until Sept. 30, citing the Charlottesville clash.

"Apple has been at the forefront of the fight against hate in the tech industry, and we are truly humbled by its support of our work," the SPLC said in a Thursday statement.

Organizations can land on the SPLC's "hate map" for a variety of reasons not limited to racism. Categories include being "anti-immigrant" or "anti-Muslim," as well as being "racist skinhead," "neo-Nazi" or "neo-Confederate."

Most of the conservative groups fall into the SPLC's "anti-LGBT" category for their opposition to, for example, same-sex marriage or transgender bathroom laws.

"Opposition to equal rights for LGBT people has been a central theme of Christian Right organizing and fundraising for the past three decades—a period that parallels the fundamentalist movement's rise to political power," the SPLC said on its website.

The ADF this week called out Phoenix news outlets that relied on SPLC's "hate map" for post-Charlottesville stories, including a report on the NBC-TV affiliate 12News headlined, "What are Arizona's hate groups?"

ADF spokeswoman Kerri Kupec said most news outlets may not realize that the SPLC is not politically neutral but rather avowedly anti-right.

On its "Hatewatch" page, for example, the SPLC states that it "monitors and exposes the activities of the American radical right."

"I don't think that most news organizations that SPLC states on its website that it only goes after groups on the right," said Ms. Kupec. "They only target people on the right."

Last month, the ADF blasted ABC and NBC for using the "hate group" designation on a story about a no-press speech by Attorney General Jeff Sessions at an ADF conference in Dana Point, California.

ARTICLE SUBMITTED FOR THE RECORD BY HONORABLE CLAY HIGGINS

WEALTHY SOUTHERN POVERTY LAW RAKES IN HOLLYWOOD, SILICON VALLEY CASH
AFTER CHARLOTTESVILLE

By Valerie Richardson, Washington Times, August 23, 2017.

The Southern Poverty Law Center has padded its already well-stocked coffers with at least \$2.5 million in donations from celebrities and corporations following the white-nationalist melee in Charlottesville, Virginia.

George and Amal Clooney have donated \$1 million to “combat hate groups,” while Apple CEO Tim Cook announced gifts of \$1 million to the SPLC and \$1 million to the Anti-Defamation League in response to the deadly Aug. 12 Charlottesville clash.

“We are proud to support the Southern Poverty Law Center in its efforts to prevent violent extremism in the United States,” said the Clooneys in a Monday statement. “What happened in Charlottesville, and what is happening in communities across our country, demands our collective engagement to stand up to hate.”

At the same time, others worry that Charlottesville has obscured legitimate concerns about the SPLC, which has been accused of juicing its fundraising by exaggerating the Ku Klux Klan threat.

“These celebrity donations are virtue-signaling. SPLC does not need the money,” said Cornell Law School professor William Jacobson in an email. “Its 2016 annual report shows over \$300 million in endowment, with program spending (legal and educational) one-tenth that amount and more than covered by normal annual fundraising.”

Indeed, the \$2.5 million comes as fairly small change for the SPLC, which reported revenue of \$54 million in 2015 and spent 22 percent of its budget on fundraising, versus 64 percent on programs and services, according to Charity Navigator.

Top-ranked charities ideally spend at least 75 percent of their budgets on programs and services, as per CharityWatch, which last year downgraded the SPLC from a “C+” to an “F” for holding more than three years’ available assets in reserve.

“Unfortunately, these virtue-signaling donations reinforce SPLC’s bad habit of sensationalizing and politicizing ‘hate’ to generate even more money for its already bloated coffers,” said Mr. Jacobson, who runs the right-leaning Legal Insurrection blog.

The criticism has also come from the left. The Nation’s Alexander Cockburn referred in 2009 to SPLC’s Morris Dees as the “archsalesman of hatemongering,” while Ken Silverstein of Harper’s said in 2010 that the organization “shuts down debate, stifles free speech, and most of all, raises a pile of money, very little of which is used on behalf of poor.”

In the wake of Charlottesville, however, the SPLC and ADL, which has a focus on fighting anti-Semitism, have clearly become the go-to charities for prominent donors.

JPMorgan Chase said in a Monday memo that it would split a \$1 million gift between the SPLC and ADL “to further their work in tracking, exposing and fighting hate groups and other extremist organizations.”

Apple has also launched a fundraising tool to allow donors to give to the SPLC through their digital iTunes accounts.

In accepting the Clooney donation, SPLC president Richard Cohen warned that President Trump had reanimated the “radical right.”

“Like George and Amal Clooney, we were shocked by the size, ugliness, and ferocity of the white supremacist gathering in Charlottesville,” Mr. Cohen said in a Monday statement. “It was a reflection of just how much Trump’s incendiary campaign and presidency has energized the radical right. We are deeply grateful to the Clooney Foundation for standing with us at this critical moment in our country’s fight against hate.”

The SPLC has also faced blowback for its liberal advocacy, starting with its “hate map,” which lumps mainstream conservative organizations with neo-Nazis and the Ku Klux Klan.

Both ABC and NBC repeated the “hate group” label in July in reference to the Alliance Defending Freedom, while CNN recently posted the SPLC “hate map” under the headline, “Here are all the active hate groups where you live.”

Among those on the map is the Liberty Counsel, led by Mat Staver, who denounced the Charlottesville white-supremacist violence and accused the SPLC of “exploiting a serious situation to push a self-centered political agenda.”

“This false labeling is defamatory and dangerous,” he said in a Monday statement.

Founded in 1971 to promote civil rights, the SPLC describes itself as the “premier U.S. nonprofit organization monitoring the activities of domestic hate groups and other extremists.”

One woman was killed and 19 injured after an alleged neo-Nazi sympathizer drove into a crowd in Charlottesville.

Chairman MCCAUL. The gentleman yields. The Chair recognizes the gentlelady from New Jersey, Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Well, thank you, Mr. Chairman. Thank you to each of you for your testimony and for your service.

One of the types of far-right extremism that is particularly concerning to me has to do with the anti-abortion movement and their willingness to engage in very dangerous actions to express their position.

So with that, I would seek unanimous consent to enter a statement for the record from the Feminist Majority Foundation, "Keeping America Secure in the New Age of Terror."

Chairman MCCAUL. Without objection, so ordered.
[The information follows:]

SUBMITTED FOR THE RECORD BY HONORABLE BONNIE WATSON COLEMAN

STATEMENT OF THE FEMINIST MAJORITY FOUNDATION

NOVEMBER 30, 2017

The Feminist Majority Foundation (FMF) is a National women's rights organization dedicated to the elimination of sex discrimination and the promotion of women's equality and empowerment in the United States and around the world. In 1989, FMF launched the National Clinic Access Project with the goal of reducing anti-abortion violence, keeping women's health clinics open, keeping physicians, patients, and staff safe, and helping to bring violent anti-abortion extremists to justice.

Anti-abortion violence has plagued U.S. women's reproductive health clinics for decades. Between 1977 and 2016, there have been hundreds of crimes committed against reproductive health care facilities and abortion providers, including at least 11 murders, 26 attempted murders, 54 bombings, 249 arsons, 98 attempted bombings or arsons, 411 clinic invasions, 100 butyric acid attacks, 239 incidents of assault or batteries, and 4 acts of kidnapping. There have also been 663 anthrax or bioterrorism threats, 643 bomb threats, 545 death threats or threats of harm, and 583 acts of stalking.¹ These acts are perpetrated by extremists who use violence to intimidate doctors, patients, and staff, in order to promote a policy goal of ending women's access to legal abortion and shutting down women's health clinics.

Under Federal law, domestic terrorism includes "activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" and "that appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination or kidnapping."²

The violent tactics used by anti-abortion extremists, by definition, fall under the Federal statutory definition of "domestic terrorism." Whether working alone, or in concert with others, violent anti-abortion extremists have engaged in criminal activity with the purpose of intimidating the civilian population—primarily reproductive health clinic doctors, patients, and staff—in order to influence Government policy on abortion.

Violent anti-abortion extremists may be using "right to life" rhetoric, but in reality, they have unleashed a Nation-wide campaign of terror. The Feminist Majority Foundation has periodically conducted a National Clinic Violence Survey since 1993 to measure anti-abortion violence and harassment. Our survey is one of the most comprehensive studies of anti-abortion violence and harassment directed at clinics, patients, health care workers, and volunteers in the United States and includes abortion providers of various organizational affiliations as well as independent clinics. Our most recent survey, released in February 2017, found that in 2016, abortion providers experienced a marked uptick in violence and threats.³ Around 34 percent

¹ National Abortion Federation, 2016 Violence and Disruption Statistics, available at <https://prochoice.org/education-and-advocacy/violence/violence-statistics-and-history/>.

² 18 U.S.C. § 2331(5).

³ Feminist Majority Foundation, 2016 National Clinic Violence Survey, available at <http://feminist.org/anti-abortion-violence/images/2016-national-clinic-violence-survey.pdf>.

of the clinics surveyed reported experiencing the most severe types of anti-abortion violence and threats of violence in just the first 6 months of 2016, up from around 20 percent in the first 6 months of 2014. Some of the most frequent types of violence and threats were blocking access to and invasions of clinics,⁴ stalking, death threats, and bombing threats. One clinic reported that staff and doctors are repeatedly told to “watch our backs” and “nobody cares when a murderer gets killed.” Out of the clinics reporting high levels of severe violence and harassment, over 17 percent experienced staff resignations as a result.

In addition to severe violence and threats of violence, over 45 percent of clinics surveyed experienced targeted intimidation and threats against staff and physicians, including vandalism of home or personal property, harassing phone calls or emails, threats of intimidation of family members, including children, and distribution of harassing and inflammatory pamphlets—like the “KILLERS AMONG US” leaflets featuring doctors’ photographs and their home addresses and personal information.

These types of anti-abortion violence and intimidation must be given higher priority in order to bring those who commit acts of terrorism to justice and to prevent violence by defusing volatile situations, tracing the sources of funding for those who commit anti-abortion terrorist acts, and by identifying any potential patterns in the activity of violent anti-abortion extremists.

Many anti-abortion extremists, for example, have been connected with other extremist groups that present a threat to the U.S. Government or to the public at large. Scott Roeder, the convicted killer of Wichita, Kansas abortion provider Dr. George Tiller, was associated with the anti-Government Montana Freeman militia group.⁵ David Wayne Hull, who was convicted on several Federal charges after, among other things, he threatened to blow up abortion clinics, self-identified as the Imperial Wizard of the White Knights of the Ku Klux Klan.⁶ Convicted sex offender and anti-abortion extremist John Burt was a member of the Ku Klux Klan.⁷ Burt was the reported “spiritual advisor” to Michael Griffin, the murderer of Pensacola, Florida abortion provider Dr. David Gunn.⁸ Eric Robert Rudolph, who was once affiliated with the so-called Christian Identity Movement, a white nationalist ideology, bombed abortion clinics in Atlanta, Georgia and Birmingham, Alabama as well as a lesbian nightclub after bombing Atlanta’s Centennial Olympic Park.⁹

The sharing of intelligence across agencies concerning all types of domestic terrorism, including anti-abortion terrorist activity, and the robust investigation of anti-abortion crimes and potential anti-abortion criminal activity is necessary to proactively investigate the connections between those who commit anti-abortion crimes and white nationalist or other domestic terrorist groups. In addition, more resources are needed to train State and local law enforcement to improve their threat assessment investigations.

There is no indication that anti-abortion violence and intimidation will go away on its own. Based on FMF monitoring of anti-abortion threats and violence, we expect that the higher level of severe violence, harassment, and intimidation of abortion providers has continued in 2017. Our law enforcement officials must do more, however, to prevent the next violent attack and end the campaign of terror being waged against reproductive health care providers, their patients, and staff.

Mrs. WATSON COLEMAN. Thank you very much.

I have a series of questions, some of which I really would like quick, quick answers to. Thank you.

This is for you, Secretary Duke, and for you, Director Wray, because both of you mentioned the importance of information sharing

⁴Blocking access to a reproductive health care clinic, or conducting a clinic invasion, may violate the Freedom of Access to Clinic Entrances Act (FACE), 18 U.S.C. §24, which makes it a crime to use or attempt to use physical obstruction to intentionally injure, intimidate, or interfere with a person obtaining or providing reproductive health services.

⁵Amanda Robb, *Not A Lone Wolf*, Ms. Magazine (Spring 2010), <http://www.msmagazine.com/spring2010/lonewolf.asp>.

⁶Southern Poverty Law Center, *Terror From the Right* (Nov. 1, 2015), <https://www.splcenter.org/20100126/terror-right>.

⁷Larry Rohter, *Towering over Abortion Foes Trial: His Leader*, *New York Times* (Mar. 5, 1994), <http://www.nytimes.com/1994/03/05/us/towering-over-the-abortion-foe-s-trial-his-leader.html>.

⁸Id.

⁹*Eric Robert Rudolph: Fast Facts*, CNN (Sept. 8, 2017), <https://www.cnn.com/2012/12/06/us/eric-robert-rudolph---fast-facts/index.html>.

with our foreign allies. Could you just elaborate on why that is so significant as quickly as possible?

Ms. DUKE. Because we need to know about people and be able to vet them before they move toward the United States.

Mr. WRAY. I would add to that, that in many cases, people are either crossing borders themselves to commit attacks or communicating across borders, or at a minimum, facing similar issues in those countries and in ours so we have to compare notes.

Mrs. WATSON COLEMAN. Thank you, Director. So it is really important that we at least maintain this open communication with people that we have had relationships with that we could trust that would share this information.

So having said that, do you think that the President's tweets regarding the British Prime Minister's help further that cooperation or impair that cooperation?

Ms. DUKE. I work with the Home Secretary of Great Britain and have a very good relationship and focus on that rather than speaking on tweets.

Mrs. WATSON COLEMAN. Well, in dealing with our allies, do you find that there is any concern on their part with regard to how quickly the President will tweet information that is not accurate, including the most recent ones regarding the far right supposedly anti-Muslim groups?

Ms. DUKE. My personal experience is that they are anxious to work with us for the threats that Director Wray made, and so just work on building those toward the mission.

Mrs. WATSON COLEMAN. Would you characterize those tweets helpful or not?

Mr. WRAY. My experience is similar to Secretary Duke's. In fact, I was just over in the United Kingdom less than about 10 days ago, and met with all of my British counterparts, and I think the relationship was very strong and productive.

Mrs. WATSON COLEMAN. Well, let's hope so.

Director Wray, you had expressed a strong desire that we reauthorize 702, section 702, and that it is very vital for you all to be able to do your job. I wanted to just say that I had tremendous pause when I read the report on black identity extremism and its threat to law enforcement. I still have very, very major concerns about what it communicates to law enforcement, what to fear, whether or not those fears have been developed in terms of the research and the analysis. I look forward to meeting with those analysts who discuss what seems to be a very skimpy report.

But that kind-of gives me pause to support that kind of authorization to an agency that would, I think, allow this sort of poorly-developed report to come out and not demonstrate, in my opinion, only in my opinion, I guess a commensurate identification or expression of white identity extremism that presents a threat to our environment.

Mr. WRAY. I would just add, I appreciated our conversation yesterday.

Mrs. WATSON COLEMAN. I am sorry that I had to leave before it was completed.

Mr. WRAY. But I found it a candid and hopefully constructive conversation. I look forward to continuing the dialog on that issue.

I would say, on the white supremacist issue, we do put out information to State and local law enforcement on that. In fact, at the IACP conference recently in Philadelphia that I attended and spoke at, we distributed I think something like 15,000 copies of a video, which I would be happy to make available to you, about the white supremacist threat to State and local law enforcements to raise their awareness of that threat. That is an example, but it is hardly the only example.

Mrs. WATSON COLEMAN. I think it is really important, and I know it is a difficult discussion for us to have, but I need to agree with my colleague, Mr. Correa, that if we are really going to look at the dangers that are confronting our safety and security of our citizens here in the homeland, that we need to have a serious discussion of who represents that danger.

While we talk about this on the surface and we kind of skim and we include it in the larger discussions on very important issues of homeland security, in and of itself, the threat is so severe that even organizations who have done research in these issues find that the threat to our security is greater with these groups than it is with these sort of foreign fighters or, you know, foreign-inspired individuals, and we just need to confront this.

So on the record, I need to ask again that we have a hearing specifically addressing those issues with those members of the administration that weigh in, work on, and have consideration of these issues.

So I thank you. I see that I have gone beyond my time. So, Mr. Chairman, I yield back the rest of my time.

Chairman MCCAUL. The gentlelady yields.

The Chair recognizes a former FBI agent from Pennsylvania, Mr. Fitzpatrick.

Mr. FITZPATRICK. Thank you, Mr. Chairman. I thank you all for being here, and more importantly, thank you for what you do. Your work is not easy. We know that and we are here to support you in any way necessary.

I can report to this committee, regarding Director Wray, who is leading my former organization, I have spoken and obviously keep in touch with many of my former colleagues from the ground all the way up. This is a man that they have come to respect tremendously. So, Mr. Wray, thank you for leading the organization that I love.

I think that it warrants further discussion regarding section 702. Mr. Higgins brought it up briefly. I want this committee to be fully aware, not only of what you just said regarding the benefits to the Bureau and to the National security apparatus regarding 702, but I think what I would like you to address briefly, sir, is the consequences of not reauthorizing. What would we not be able to do any more should section 702 expire?

Mr. WRAY. So the real value of 702 to the FBI and to the protection of the American people is at the front end, at the very early stages when a tip comes in and we are in an environment right now, as you have heard from every member of this panel, where there is a high volume of threats and there are so few dots, in many cases, to connect with these smaller, more contained, more loosely-organized situations, so that the premium on getting the

right dots to connect, to understand which threats are real, which ones are more aspirational, that is when the value of 702 kicks in.

Right now, under 702, we can query information, and I want to be sure everybody understands this, this information that the FBI has already lawfully in its possession. There is no court that disagrees with that. Right now, they can query that information and know that this tip from State and local law enforcement or somebody in the private sector, is one that really matters, and allows us to mobilize resources to be sure that we get in front of the threat.

If 702 is walked back, we will, in effect, be starting to rebuild the wall that existed before 9/11. I implore the committee not to go there again, because that is something that we learned the hard way, you know, before and after 9/11.

Mr. FITZPATRICK. Thank you, Mr. Wray. We have a lot of people on this committee asking what we can do to help. This is exhibit A where we can help. We have to reauthorize section 702. It is absolutely imperative.

Secretary Duke, I had the honor of visiting Puerto Rico last week. As you know, this committee has oversight over FEMA. I describe the experience as heartbreaking and heartwarming all at the same time, walking through the convention center where some amazing work is being done, by a great team of Federal agencies who have challenges.

My concern is, and if you could address this, FEMA is spread very thin right now. They are responding in Texas; they are responding in Florida; and they are also responding to what I believe to be the most challenging situation in Puerto Rico, logistically being over 1,000 miles off the coast of Florida. They had an antiquated infrastructure and electrical grid to begin with. They dealt with a Cat 5 hurricane right through the island, 190-mile-an-hour sustained winds for a 12-hour period of time. The citizens there described it to me as a 12-hour long tornado. It was absolutely devastating.

What are we doing specifically for Puerto Rico, given the unique challenges logistically and economically that those people face? Because I think it is important that we constantly talk about and remind everybody that they are American citizens too.

Ms. DUKE. Right. Puerto Rico and the U.S. Virgin Islands definitely had some unique challenges. The main thing we are doing differently is—I will juxtapose it against Texas where Governor Abbott had a strong infrastructure in place, both physical infrastructure and the people, to lead the effort, and we augmented.

What we have done in Puerto Rico, because of their financial concerns and others, Governor Rossello had a weak ability to execute his vision. So we have embedded FEMA people with the Governor and are bolstering his vision, his recovery efforts even more strongly.

Additionally, we are doing response and recovery simultaneously. So we are continuing response. Even though it has tailed off, we are still delivering water, still delivering meals. But we are actually doing the recovery effort in terms of rebuilding the infrastructure, so I would say a much stronger role in supporting the Governor.

Mr. FITZPATRICK. We appreciate it. Please keep the focus on Puerto Rico. We don't want them to be forgotten. Anything this committee can do to support that role, please let us know.

Ms. DUKE. Thank you.

Mr. FITZPATRICK. I yield back, Mr. Chairman.

Chairman MCCAUL. The Chair recognizes the gentleman from Rhode Island, Mr. Langevin.

Mr. LANGEVIN. Thank you, Mr. Chairman. I want to thank our witnesses for your testimony today.

Before I begin, Mr. Chairman, I would ask unanimous consent to submit a statement from the START, the National Consortium for the Study of Terrorism and Responses to Terrorism.

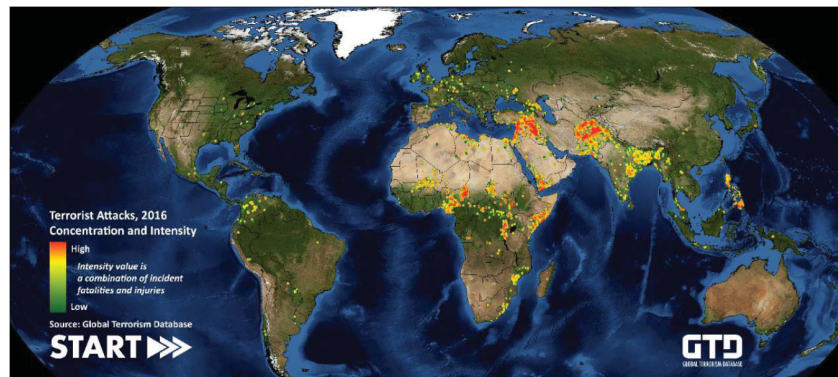
Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

STATEMENT SUBMITTED FOR THE RECORD BY HONORABLE JAMES R. LANGEVIN

STATEMENT OF THE NATIONAL CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSES TO TERRORISM

International terrorism casts a long shadow, reaching the American consciousness from violence-torn nations such as Iraq, Syria, and Afghanistan, and from our collective memory of the attack of September 11, 2001. Indeed, the 9/11 attack is the most lethal terrorist attack in the past half century and the world has experienced historically high levels of terrorist violence over the last 5 years, largely at the hands of Islamist extremist organizations operating in Muslim-majority countries.



While the overwhelming majority of that terrorist violence has occurred in the context of inter- and intra-state conflicts in the Muslim world, these bonfires have thrown sparks that have reached Western nation-states in the form of both centrally-planned attacks and inspired plots with no material support from a foreign-designated terrorist organization. It is easy to understand how this aggregated level of global violence, selectively featured in high-definition terrorist propaganda and amplified on cable news, in combination with the anomalous lethality of 9/11, can obscure our understanding of terrorist violence within the United States.

In the United States, however, the nature of terrorist violence differs significantly from the global picture, primarily due to its diversity and relative scarcity. In the following passages we draw on various Unclassified and objective START datasets to highlight the empirical nature of terrorism in the United States, in some cases excerpting or adapting text from START publications.¹*

These data reveal a simple truth; the perpetrators of terrorism in the United States adhere to a wide variety of ideologies, choose differing targets and victims,

¹A representative sample of those publications are included as appendices to this statement for the record.

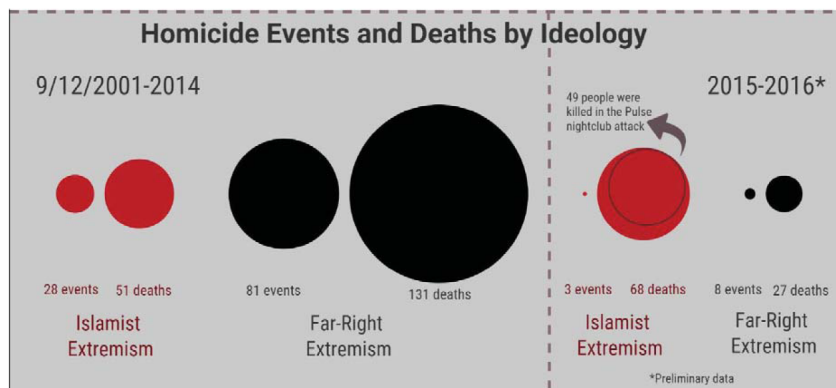
*Supplemental material has been retained in committee files.

recruit and mobilize violence in differing patterns, but all pose a threat to American lives and the fabric of American society. The perception of the threat posed by these different groups and movements depends largely on “where one sits” in society, as opposed to the empirical nature of their violent attacks relative to one another. To suggest that there is only one salient form of terrorism active in the United States is empirically false and puts American life, liberty, and prosperity at risk.

THE EXTREMIST CRIME DATABASE, AND DIFFERENCES IN VICTIMOLOGY AND PERCEIVED THREAT²

The ECDB is a relational database that includes information on all publicly-known violent and financial crimes committed in the United States by extremists associated with violent Islamist extremists, the violent Far-Right (FR), and the Animal and Earth Liberation Fronts (ELF and ALF). The ECDB includes information on the incidents themselves, as well as their perpetrators, related organizations, and victims. It currently covers the period between 1990 and 2016.

Drawing on ECDB data on ideologically-motivated homicides occurring after September 11, 2001 through the end of 2016, we find that 31 Islamist extremist homicide events have resulted in 119 deaths, while 89 Far-Right extremist homicide events have caused 158 deaths.³



Over the last 25 years, when including the ideological victims of the 9/11 terrorist attacks and the Oklahoma City bombing, Islamist extremist offenders have killed nearly 7½ times more people than Far-Right extremists in one-fifth as many incidents. However, when these two outliers are removed, another story unfolds. Under these circumstances, there are nearly four times as many Far-Right extremist victims as Islamist extremist victims.

Although both sets of victims had disproportionate numbers of individuals killed in the line of duty, especially when one considers the percentage of the general population engaged in active military or law enforcement service at any given point in time, Islamist extremist victims were more likely to be military, while Far-Right extremist victims were more likely to be law enforcement.

In some ways, Islamist extremist victims have characteristics that are closer to that of “typical” homicide victims and even the general population. This could be a mechanism of the fact that compared to Far-Right extremist victims, Islamist extremist victims are more likely to be randomly selected. If an individual is fatally victimized by an Islamist extremist offender depends on whether they are in the proverbial wrong place at the wrong time. Far-right extremist victims, however, are more likely to be targeted purposefully for assassination based on the offender’s previous knowledge of the individual.

This differential form of targeting can impact threat perception of the various ideological groups; in a separate project START researchers surveyed law enforcement professionals who indicated that their relative perceived threat of Islamist extrem-

²The ECDB is led by researchers at John Jay College of Criminal Justice, Michigan State University, Seattle University, and Indiana University–Purdue University, Indianapolis.

³See Appendix for a START infographic based on ECDB homicide data published in February 2017 using preliminary 2016 data, which provides similar data as the finalized data reported in this statement. During the time of this study, there were no homicides conducted by the ALF/ELF, the other ideological group studied in the ECDB.

ists decreased in comparison to the Sovereign Citizen movement following a serious of homicides in which police officers were killed.⁴

Type of Group	Potential Threat (2013–14)	Potential Threat (2006–07)
Sovereign Citizens	3.20 (1)	2.49 (7)
Islamic Extremists/Jihadists	2.89 (2)	3.13 (1)
Militia/Patriot	2.67 (3)	2.61 (6)
Racist Skinheads	2.58 (4)	2.82 (3)
Neo-Nazis	2.56 (5)	2.94 (2)
Extreme Animal Rightists	2.54 (6)	2.79 (4)
Extreme Environmentalists	2.51 (7)	2.74 (5)
Klux Klux Klan	2.38 (8)	2.47 (8)
Left-Wing Revolutionaries	2.36 (9)	2.04 (13)
Extreme Anti-Abortion	2.36 (9)	2.30 (11)
Black Nationalists	2.34 (11)	2.35 (10)
Extreme Anti-Tax	2.33 (12)	2.47 (8)
Extreme Anti-Immigration	2.33 (12)	2.41 (9)
Christian Identity	2.19 (13)	2.59 (8)
Idiosyncratic Sectarians	2.19 (13)	2.13 (12)
Millennial/Doomsday Cults	2.17 (15)	1.93 (14)
Reconstructed Traditions	2.13 (16)	2.04 (13)

These victimization patterns over the last 25 years demonstrate that ideological victimization from terrorist and extremist violence varies across ideologies and underlines the importance of future research in the fields of criminology and victimology in attempting to understand these differences and reduce victimization risk.⁵

PROFILES OF INDIVIDUAL RADICALIZATION IN THE UNITED STATES, AND DIFFERENCES
IN INTERDICTIONS⁶

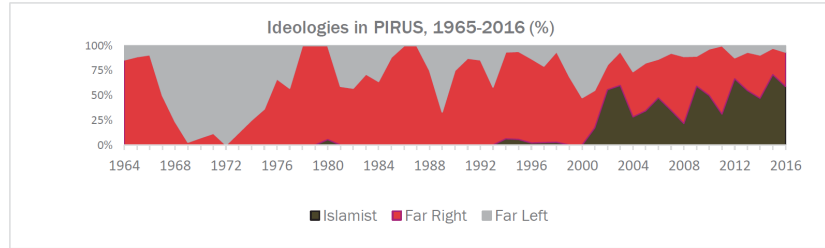
Profiles of Individual Radicalization in the United States (PIRUS) is a database of 1,867 Islamist, Far-Left, Far-Right, and single-issue extremists who have radicalized to violent and non-violent extremism in the United States from 1948 through 2016. This analysis draws on the full dataset and illustrates the important differences that exist across ideological groups, as well as those which distinguish violent from non-violent extremists. The PIRUS data can be used to explore the radicalization trajectories of individuals from Far-Right, Far-Left, and Islamist ideologies.

Individuals adhering to extreme Far-Right views make up the majority of the database (n=746), followed by Islamist extremists (n=457), and those on the extreme Far-Left (n=324). However, it is important to recognize that radicalization in the United States has generally occurred in several waves. These waves roughly correspond to the rise of Far-Left extremism in the late 1960's and early 1970's, Far-Right extremism in the 1980's and 1990's, and Islamist extremism after 2001.

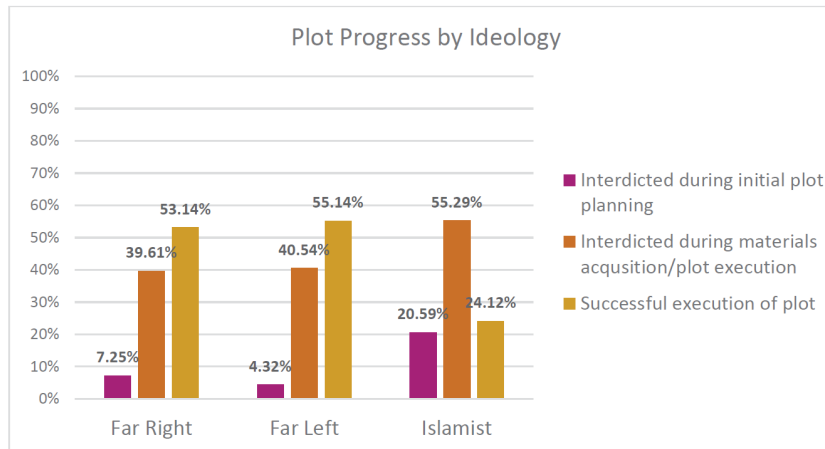
⁴Carter, David, and Steve Chermak, Jeremy Carter, Jack Drew. "Understanding Law Enforcement Intelligence Processes," Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security. College Park, MD: START, 2014.

⁵This analysis is excerpted and adapted from, Parkin, William S., Steven M. Chermak, Joshua D. Freilich, and Jeff Gruenewald. "Twenty-Five Years of Ideological Homicide Victimization in the United States of America," Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security. College Park, MD: START, 2016.

⁶The PIRUS data base is curated by researchers at START at the University of Maryland. The database is freely available for download on START's webpage or can be accessed through the project's data visualization tool at <http://www.start.umd.edu/profiles-individual-radicalization-united-states-pirus-keshif>.



In addition to the analyses described above, PIRUS captures data on the progression of the plots pursued by the individuals included in the dataset, providing insight into the relative success and failure of individuals from different ideological milieus in perpetrating violence. In the chart below we can see that while nearly 76 percent of Islamist plots were disrupted before an attack occurs, 52 percent of violent Far-Right and 55 percent of violent Far-Left plots, of which there have been greater overall numbers, were successfully executed.



One possible explanation for this differential is that the professional counterterrorism community has allocated more resources to Islamist terrorism. However, another compelling explanation is that the Federal laws associated with material support for a foreign designated terrorist organization provides additional tools that the criminal justice community can use to open investigations and disrupt international terrorist plots at an earlier stage in the plot progression than are available for domestic terrorist plots.

Due to Constitutional protections associated with freedom of speech and freedom of assembly, many of the same behaviors that allow for the arrest of an al-Qaeda supporter prior to a violent attack are not chargeable offenses for members of “domestic” terrorist groups and movements like the Environmental Liberation Front or the White Supremacist movement. The different legal standards for domestic terrorism and international terrorism generate different criminal justice outcomes, but also generate confusion about what constitutes terrorism versus a hate-crime and the relative threat of domestic terrorism versus international terrorism. Furthermore, it has contributed to accusations against the U.S. Government of placing an unwarranted focus on Islamist extremism at the expense of other threats.

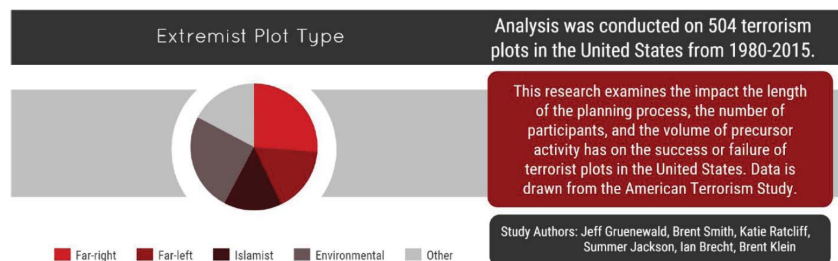
THE AMERICAN TERRORISM STUDY, AND DIFFERENCES IN MOBILIZATION OF VIOLENCE ⁷

The ATS is an empirical relational database consisting of data on Federal terrorism-related court cases, persons indicted in these court cases, and related offi-

⁷The American Terrorism Study (ATS) is led by researchers at the Terrorism Research Center at the University of Arkansas.

cially designated terrorism incidents. Variables include demographic information, terrorist group designations, and temporal and geospatial data on incidents and antecedent activities leading to terrorist attacks.

In 2016, the ATS team studied how the planning process affects outcomes of terrorist plots. Analysis was conducted on 504 terrorism plots in the United States from 1980–2015.



Data for the analysis included information from:

- 132 Far-Right terrorism plots
- 84 Far-Left plots
- 75 Islamist extremist plots,
- 126 environmental extremist plots, and
- The remaining plots include activities by a variety of other nationalist/separatist groups as well as single-issue plots.

By studying terrorism across ideologies, as well as the nature of lone actors versus group-based actors, the ATS team was able to identify differing geographical and temporal patterns of violence mobilization that can inform law enforcement interdictions and investigations when dealing with threats emanating from different ideological groups active in the United States. For example, AQ-related and Far-Left perpetrators committed more than half (55 percent and 52 percent, respectively) of their precursor behaviors within 30 miles of where they lived. In contrast, Far-Right perpetrators committed less than one-third (31 percent) and environmental perpetrators about one-fourth (24 percent) of their precursor behaviors within 30 miles of their residences.⁸

THE GLOBAL TERRORISM DATABASE, AND THE RELATIVE SCARCITY AND DIVERSITY OF U.S. TERRORISM⁹

According to START's Global Terrorism Data (GTD), 61 terrorist attacks occurred in the United States in 2016 resulting in the death of 61 victims and 7 perpetrators. As a region, North America experienced the eighth-largest number of attacks out of 12 regions across the globe.

⁸Smith, Brent L., and Paxton Roberts, Kelly Damphousse. "Update on Geospatial Patterns of Antecedent Behavior Among Perpetrators in the American Terrorism Study (ATS)," Report to Resilient Systems Division, DHS Science and Technology Directorate. College Park, MD: START, 2013.

⁹This section is adapted from the START Background Briefs, "Overview: Terrorism in 2016," published in August 2017 and "Ideological Motivations of Terrorism in the United States, 1970–2016," published in November 2017. These are included in the Appendix.

Region	Total Attacks	Percent of Total	Percent Change from 2015	Total Deaths	Percent of Total	Percent Change from 2015
Middle East & North Africa	6,088	45%	+2%	19,121	55%	+8%
South Asia	3,628	27%	-21%	7,774	22%	-6%
Sub-Saharan Africa	2,051	15%	+6%	6,591	19%	-37%
Southeast Asia	1,078	8%	+1%	635	2%	-2%
Western Europe	269	2%	-20%	238	1%	+39%
South America	133	1%	-24%	71	0%	-44%
Eastern Europe	132	1%	-81%	112	0%	-86%
North America	72	1%	+14%	73	0%	+38%
Central Asia	16	0%	+78%	20	0%	+54%
Australasia & Oceania	10	0%	-29%	0	0%	-100%
East Asia	8	0%	-71%	32	0%	-74%
Central America & Caribbean	3	0%	+200%	9	0%
Total	13,488	100%	-9%	34,676	100%	-10%

The majority (85 percent) of the terrorist attacks that took place in the United States in 2016 were non-lethal, and in three additional attacks, the only people killed were the assailants. A total of 61 victims were killed in attacks that took place in Orlando (49), Dallas (5), Baton Rouge (3), New York City (2), Philadelphia (1), and Bristol (1).

Religious figures and institutions were most frequently targeted in terrorist attacks in the United States in 2016. These attacks mainly involved churches, mosques, and synagogues, typically using incendiary weapons. Nine attacks targeted police in the United States in 2016, 4 of which resulted in the deaths of 9 police officers and 1 bystander. The assailants in these cases were not affiliated with formal perpetrator organizations, but espoused racist (anti-white), anti-police, or jihad-inspired motivations.

In June 2016 an assailant armed with an assault rifle and a handgun opened fire at Pulse, a gay nightclub in Orlando, Florida. The assailant then held a number of people hostage inside the nightclub for 3 hours. Forty-nine people were killed and more than 50 people were injured before law enforcement officers shot and killed the assailant, identified as Omar Mateen. During the course of the attack, Mateen pledged allegiance to the Islamic State of Iraq and the Levant (ISIL) and indicated that he carried out the attack in retaliation for U.S. airstrikes in Iraq and Syria.

Between 1970 and 2016 terrorist attacks in the United States were motivated by a variety of ideological perspectives. The following charts and paragraphs present information from the GTD on terrorist attacks classified by ideology as part of the Terrorism and Extremist Violence in the United States (TEVUS) project.



In comparison to the 2000's, there was a sharp decline in the proportion of terrorist attacks carried out by left-wing, environmentalist extremists during the first 7 years of the 2010's (from 64 percent to 12 percent). At the same time, there was a sharp increase in the proportion of attacks carried out by right-wing extremists (from 6 percent to 35 percent) and religious extremists (from 9 percent to 53 percent) in the United States.

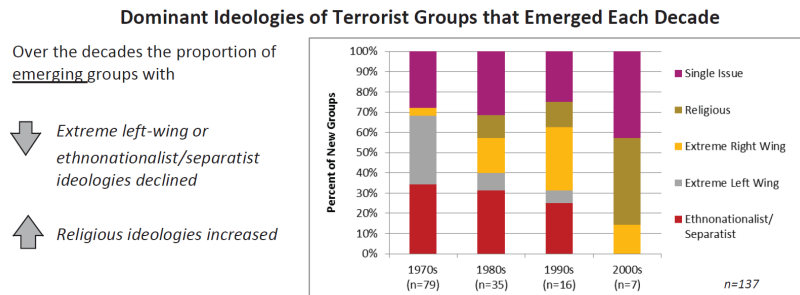
The lethality of terrorism in the United States between 1970 and 2016 was characterized by thousands of non-lethal attacks (91 percent) that were punctuated by relatively rare but deadly, or even exceptionally deadly, attacks. Although the lethality of attacks during the 2010 to 2016 time period did not nearly match that of the two prior decades, this basic pattern remained. For example, of the 68 people killed in attacks carried out by jihadi-inspired extremists during this period, 49 died in the Orlando, Florida attack in 2016. Fourteen others died in San Bernardino, California in a 2015 attack by Syed Farook and Tashfeen Malik. Likewise, 9 of the 18 people killed by white supremacists or white nationalists died as a result of Dylann Roof's 2015 attack at Emanuel African Methodist Episcopal Church in

Charleston, South Carolina. Six others were killed when Wade Michael Page attacked worshippers at a Sikh temple in Oak Creek, Wisconsin. This demonstrates that the overall trends in terrorism in the United States with respect to ideology are highly sensitive to the influence of individual mass-casualty attacks.

Terrorist attacks attributed to formal organizations in the United States were relatively rare in the years following the September 11 attacks. In particular, attacks that took place between 2010 and 2016 were typically carried out by individual perpetrators who were only loosely linked to a specific organization or ideological movement. The motivations for attacks were both diverse and overlapping. In some cases, they were narrowly focused on issues and in other cases inspired by broad belief systems. They included both oppositional (anti-) and affirmative (pro-) views, or sometimes both.

When focusing on formal terrorist organizations that have conducted attacks in the United States enumerated in the GTD, we again find a diversity of actors emerging each decade from 1970 through 2013.¹⁰

DOMINANT IDEOLOGIES OF TERRORIST GROUPS THAT EMERGED EACH DECADE



CONCLUSIONS

Based on several different databases funded through July 1, 2017 by the U.S. Department of Homeland Security, the U.S. State Department and the National Institute of Justice, we are able to examine terrorism in the United States across a range of ideological types. In general, this analysis shows that the nature of terrorist violence in the United States differs significantly from the global picture, primarily due to its diversity and relative scarcity. In particular, the perpetrators of terrorism in the United States represent a wide variety of ideologies. Attacks in the 1970's were dominated by Far-Left groups; Far-Right attacks dominated the 1980's and 1990's; and Islamist groups became increasingly important following the 9/11 attacks. We also find important differences in target selection, tactics, and lethality across different ideological groups. These important differences by ideology suggest that focusing on only one form of terrorism active in the United States will result in less effective counterterrorism and increased risk for American citizens.

Funding for most of the data reported here has now ended but START is actively seeking support to allow us to keep these data current and useful for policy makers, counterterrorism professionals, students, and researchers.

Mr. LANGEVIN. Thank you, Mr. Chairman.

So to Director Wray and Secretary Duke, for both of you, in your testimony, you reference two major cybersecurity incidents this year, WannaCry, and NotPetya, under the National Cyber Incident Response Plan. When a significant cyber incident occurs, the Department of Justice, acting through the FBI, is the lead agency for threat response, and DHS is the lead agency for asset response.

So can you and Director Wray describe how your two agencies collaborated in response to these incidents and your lessons

¹⁰This chart is based on data from a derivative dataset of the GTD that looks at the groups responsible for attacks in the United States, called the Profiles of Perpetrators of Terrorism in the United States (PPT-US). See Appendix for PPT-US Research Highlight.

learned? How do you see the cyber threat evolving? What gaps do you see in U.S. defenses in response to recovery efforts?

Ms. DUKE. Well, I think the main division is that DHS is responsible for securing the systems and remediating any malware. So we are more on the technical side of addressing the threat, such as WannaCry. We are embedded with the FBI in their National Cyber Joint Task Force, and then we have our own end-take.

I think that what we are having to do is really understand, as the director said earlier, the difference between state actors, just persons looking for maybe financial gain, and those hybrid actors. That has become much more difficult. I think just information sharing and the co-location is huge for us working together in the future.

Mr. WRAY. I would just add that just as the DHS has the lead in asset protection and asset mitigation, the FBI has the lead in threat response, which we understand to mean sort of the pursuit and the attribution and the investigation of the incident.

I have been encouraged by how much progress has been made about the cooperation between DHS and FBI on this issue. It has been a challenge for everybody because it is such an evolving, challenging technical area. But because of the various interagency task forces that exist—and there are ones that are both at the policy coordination level that are sort-of standing, and then there are specific ones that get stood up in response to a significant cyber incident. I think the better we get, and we need to keep getting better, at information sharing and kind-of cooperation, and including involving the private sector wherever possible, I think that is how we are going to ultimately get in front of the threat.

Mr. LANGEVIN. Any gaps in particular?

Ms. DUKE. I think one of the biggest gaps is that the role that critical infrastructure plays in this issue in protecting our country. So as the director said, having to involve the private industry in key critical infrastructure sectors.

Mr. LANGEVIN. OK. So, Secretary Duke, while model aircraft have been available to the general consumer for decades, the injection of precision navigation and simple-to-use control interfaces has rapidly expanded the user base of unmanned aerial vehicles. Combined with the capability to carry small payloads, such as improvised explosives, these devices now can be used to commit acts of terror, sadly.

So I have worked with my colleague, Senator Whitehouse from Rhode Island, to introduce legislation criminalizing the reckless operation of drones. But that in and of itself cannot stop committed violent actors. So how is DHS assessing the rapid increase and the quantities and capabilities of small UAVs and the potential to be used as an attack vector?

In case my time doesn't run out, Director Wray, as you note in your testimony, integrating intelligence is the critical strategic pillar of the FBI strategy. I want to thank you for your efforts in this domain.

In the international space, the United States provides a significant amount of intelligence to our foreign partners that enables them to better protect their own nations from attacks. Can you and Director Rasmussen comment on how these partners are recipro-

cating in information sharing, and what can be done to improve this cooperation?

Ms. DUKE. A quick answer on the unmanned aircraft systems. This is an area where we lack authority. If there is anything I would ask of the committee it would be to assist us in getting authority. We can't even do testing of anti-UAS systems with our current authorities, and we think this is a major increasing threat.

Mr. WRAY. On the foreign cooperation point, one of the things that we are doing better now that has, I think, significantly improved the amount of intelligence flowing back the other way is through our legat program. We have legats in—80 legats serving 200 countries. That is our foreign offices of the FBI.

A lot of those, I just came back from Europe, in particular, where we are starting to get more and more two-way flow of information, in particular, from the Brits, but also from other countries. As they learn more about what would be valuable, and we get more and more embedded and the level of trust both ways between the two countries matures, I think that is another place where, when I look at the kind of cooperation that exists now between intelligence services and the way it was back when I was in Government before, it is like night and day. Doesn't mean it can't be better, and it needs to keep getting better, but I really feel like we are on the right track there.

Mr. RASMUSSEN. I would just add to that that if there was any modest silver lining in the difficult threat environment that we face driven by ISIS over the last few years, it has been the dramatic increase in information sharing globally that we have seen. Many more countries than ever before view this as their problem too and simply not something that they can shut off and ignore and say that is an American problem or that is a British problem.

So the array, the number of countries that we have active intelligence sharing arrangements with is in the many, many dozen now, rather than just a handful of very close partners. Again, the foreign fighter phenomenon has also helped drive that kind of information sharing as well. So it is a modest silver lining, but it is something we can build on for the range of terrorism threats that we will face in the future.

Mr. LANGEVIN. I want to thank you all for your testimony, your insights.

Secretary Duke, I think it is pretty outrageous that DHS can't even do testing on drones and their capabilities.

Mr. Chairman, maybe that is something that we can work on together to help to change.

Chairman MCCAUL. I have been looking at this issue for quite some time. We have seen drones being used in Iraq and Syria. We have seen drones at the White House, the Capitol. I do think it is time for us to consider legislation to move some authorities from the FAA to the Department of Homeland Security, and I would very much like to work with you.

Mr. LANGEVIN. Thank you, Mr. Chairman. I welcome the opportunity.

With that, thank you to our witnesses. I will yield back.

Chairman MCCAUL. The gentleman yields.

The gentleman from Nebraska, General Bacon, is recognized for the first time.

Mr. BACON. Thank you, Mr. Chairman. It is an honor to be on the committee. Defending our Constitution and strengthening our National security are my most important priorities, and it is an honor to be on this committee to put some focus on that.

Secretary Duke, I wanted to ask you about what I consider as one of the most important threats to our country, and that is the cyber penetration from Russia and China into our energy infrastructure, our—perhaps our financial networks. How would you assess the threat that Russia and China poses, say, on a 1 to 10 scale, 10 being the worst? Because what I fear is the next December 7 we face will be preceded by an energy attack or a financial sector attack like that. Thank you.

Ms. DUKE. It is very strong. On a scale of 1 to 10, I would say probably a 7 or 8, because what we know is daunting and we don't know what we don't know. But looking at using cyber to attack the control systems of critical infrastructure is a major area of concern that we are working with the critical infrastructure on.

Mr. BACON. It seems apparent to me that they are putting a foundation in to have that capability, if needed. I think we should be concerned. Do you think we are doing enough to build resilience in the system or to have back-ups, or is there a lot more that we can do?

Ms. DUKE. I think that it is to the point where the critical infrastructure sector has really recognized the threat recently, so I think everyone has the attention. Now it is implementing the safeties to help try to prevent this.

Mr. BACON. Thank you.

Director Wray, when I go and talk to the law enforcement in the Omaha area, I ask them: What is the one thing that we can do more to help you with, gun violence and things like that? I hear two things: Do more about straw man purchases. Not enough is being done there. Also to help off-duty law enforcement to be able to carry their weapons, or retired.

Would you share those sentiments from our law enforcement from Omaha?

Mr. WRAY. Well, certainly on the straw purchasing side, when I was a line prosecutor back—as a baby prosecutor, I used to do a lot of straw purchaser cases. I do think that is a place where more aggressive enforcement of laws on the books would be very helpful. Most of that responsibility lies with ATF. But we work collaboratively with the ATF, who is a great partner on more organized criminal activity that involves some of the same kind of firearms crime that you are talking about.

As you may know, the Attorney General is revitalizing Project Safe Neighborhoods that was a very effective Federal, State, and local program that existed in the early 2000's that kind of built off of Project Exile that had been in Richmond to really try to more strategically focus on gun violence. So I think that will help the folks in Omaha, among other places.

Mr. BACON. Thank you. I am going to be working on some legislation toward that end. Thank you.

Director Rasmussen, as you know, Secretary of Defense Mattis has changed our strategy. When we get to an area where ISIS is operating, our policy previously had been to take over the city, but they would be able to get out, retreat, regroup somewhere else. Now his strategy is to kill them where they are at and not let them get out.

Are you seeing effects of the strategy where we are seeing less of these terrorists leaving Syria, trying to come back this direction or going to Europe, or are you seeing a reduction in this terrorist flow?

Mr. RASMUSSEN. Well, certainly, the territorial aspect of the fight that I mentioned in my prepared remarks has accelerated over the course of this year with the dramatic reduction in the amount of territory ISIS controls. One of the difficulties and challenges, though, has been that that campaign has taken a period of time to play out in a sense that the bad guys, in many cases, knew where we were headed next.

They knew that the effort was focused on Mosul, the largest city in Iraq that was under ISIS control. They knew we were, over time, going to move toward Raqqa, the city in eastern Syria that served as the headquarters for ISIS. That, unfortunately, allowed many of the actors we would be most concerned about to bleed out over time ahead of that campaign. Many chose to fight, to stay and fight, and they chose to stay and fight and die in defense of the caliphate. But others we are concerned about have made their way into either the Iraqi countryside or are trying to find their way out of the conflict zone.

So it is not necessarily a volume question as much as it is a quality and quantity question. If the wrong individuals get out, the wrong individuals who have particular capability or skill and experience with weapons of mass destruction, those are the ones we are the most concerned about.

But, yes, I agree. We are absolutely focused on making sure these individuals do not escape the battlefield.

Mr. BACON. One last question, if I may. I think we are doing a lot on the kinetic side, going into the cyber mode for recruitment, going after the financial end of it. But I have yet to see how we can do better at undermining the ideology that recruits lone wolves to help sustain ISIS and al-Qaeda overseas.

What more can we be doing to undermine the ideology that does this recruiting?

Mr. RASMUSSEN. I think there, a soft touch and a little bit of subtlety is required, because I think we will be most effective if we are enabling and empowering credible actors who can speak credibly to those potentially vulnerable populations, rather than something coming out from the State Department or with the brand of the United States on it saying this is how you should behave, this is how you should believe. But if we can identify and empower and support credible voices within the communities where this is a problem, it is a better solution.

Mr. BACON. Thank you. Mr. Chairman, I yield back.

Chairman MCCAUL. The gentleman yields.

Director, I just wanted to comment, in addition to doing counter-terrorism work as a Federal prosecutor, I was also an exile pros-

ecutor. Please relay to the Attorney General my thanks for reviving that program. It is very good. It works. So thank you.

The Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. I thank you. Let me start out by thanking each and every one of you for your service to this Nation. My time is short, and so I will be pointed in my questions.

Secretary Duke, let me first of all offer my sympathy publicly again as I have done for the loss of life of a Border Patrol agent just a few weeks ago, and as well, one that is injured and mending. Thank you for all of the men and women that work in the Homeland Security Department.

Let me focus on Hurricane Harvey, which, by connection, I think it impacts the Virgin Islands, and as well, Puerto Rico and Florida and others.

FEMA certainly is an agency that we owe a great debt of gratitude to, but let me be very clear. I have been asked how Houston is doing, how Texas is doing. We are a strong group of people, but we are devastated. It is so difficult dealing with FEMA and the repeated denials, people who have not heard from FEMA. FEMA is good for the immediacy, but it is not good for recovery, and you are listed as a recovery agency. We need help down in Texas. We need more FEMA, DRCs. We need more people dealing with the appeal process. It is absolutely absurd.

The second question is dealing with the appropriations. I would ask that you would ask the President of the United States to consider that \$44 billion is shameful. The President came to Texas and said that we would provide you with everything you need. This is \$44 billion for the U.S. Virgin Islands, Puerto Rico, Texas, and everyone else.

So if you would answer that question after. Let me go to Director Wray. I will put the questions on the record very quickly.

The questions on the record are, Director Wray, as you well know, there have been some anti-Muslim videos that have been offered by the Commander-in-Chief. My question is, as the world has condemned this, how difficult it makes the work of the FBI that deals with domestic terrorism with these kinds of videos being associated with the United States.

Second, I am interested in the commitment to not do reverse targeting under 702. I know that it is an international issue, but the FBI is involved in terrorism, in the fight against terrorism, and may use the 702 law. I want to know your position on reverse targeting of a U.S. citizen.

Finally, the black identity extremists. We have had some conversations on that. I believe it is crucial that there be a clarification so that individuals expressing themselves in the First Amendment understand the parameters of the FBI.

Ms. Duke, if you would, please, Secretary Duke.

Ms. DUKE. I will check into the specific inquiries. I will work with Governor Abbott's office to make sure that we are keeping in Texas. The \$44 billion is the current supplemental. We do expect that there will be needed additional supplementals. But for now, we do have adequate resources to do all the recovery efforts.

Ms. JACKSON LEE. I vigorously disagree with you. We do not have the adequate resources, and this is going to be on the verge of a Government shutdown if Texas and all of the other victims of these hurricanes do not have a compromise where we can work together. I would encourage you to tell the President that it is not enough. It simply is not.

May I also just leave with you Ms. Temitope N. Jimoh, J-i-m-o-h, who is a United Airlines supervisor, who has not been able to determine why she has been denied official background checks. She has filed two appeals, so I would like to speak with your leg affairs on that. Thank you.

Ms. DUKE. Yes.

Ms. JACKSON LEE. Director Wray, thank you.

Mr. WRAY. Thank you, Congresswoman. If I can take your questions in rapid-fire fashion here. The first one, I think we try very hard at the FBI, and will continue to try very hard, to earn the trust and confidence of every community we serve and protect, including the Muslim-American community. We are trying, as I mentioned in response to an earlier question, to encourage people to come forward as potential sources and witnesses, and we will continue to do that.

On the reverse targeting point, my position is there should not be and we do not permit reverse targeting under section 702.

On the black identity extremist issue, I thought our conversation yesterday was candid and constructive, at least I hope you felt the same way. I can assure you and the rest of the American people that we do not investigate people for rhetoric, for ideology, for First Amendment expression, for association. What we do is when people are engaged in—when there is credible evidence of Federal crime involving the credible threat of force or violence to further a political or social goal, that is our focus. We have no interest investigating any group for expressing strong views, no matter who might consider them extremist, about any important social issue, including racial injustice.

Ms. JACKSON LEE. Did you answer that last question—I have got 9 seconds—about 702?

Mr. WRAY. Oh, I am sorry. On 702, I was just saying we do not permit reverse targeting and would not.

Ms. JACKSON LEE. Thank you so very much.

Chairman MCCAUL. The Chair recognizes the gentleman from Florida, Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

First, I want to thank the panel for your service to the country and particularly your service here this morning in this long testimony. You know, there is an old saying that everybody uses, “don’t beat a dead horse,” and of course, then we turn right around and beat the dead horse.

So, Secretary Duke, I too am going to ask about the OMB’s recommendation of the \$44 billion for storm recovery. Here is the issue in Florida. We are a very large agricultural State. Most people don’t realize that. But we took a very hard hit, about \$1.5 billion, and almost \$700 million of that was to our citrus industry.

This is why a supplemental to follow is not adequate, because these citrus farmers need the money now for the next crop coming.

If they don't have that—those assets right now, then they are not going to be prepared for the next growing season. I spoke with one citrus grower who lost 36,000 trees—36,000 trees. That is going to take some time to replace, and more delays is going to have a tremendous negative impact on our recovery in Florida.

So I would like you to carry that back to the administration and the OMB, and let them know the impact that that is going to have on these growing seasons that don't wait for the next supplemental. So thank you for that.

Now I would like to shift over to and follow up on cyber, as many of my colleagues have. You know, not just asset protection, but also the ideological fight that I think needs to go on within the cyber war.

Director Wray, you mentioned the cyber squads that you have now in all 56 regional offices. What I would like to know is what are the difficulties—you know, one of the challenges, I think, in the world of cyber is getting that great talent and being able to pay for it and pull them away from, you know, private industry. How—is there anything that we can do to help you get the best of the best for your cyber war?

Mr. WRAY. Well, I was—as you started to ask the question, I was thinking, before you got to the talent, that was going to be my answer as the principal challenge. There is just not enough people who really have that sort of genius-level talent for anybody, including the private sector. Of course, we can't compete with the hefty paychecks that the private sector can offer those same people. But I do believe that people—we can compete with anybody on mission. I think we have found that the bright, young talent that we are able to attract in this base join us for the right reasons, which is our commitment to the mission.

We clearly need more of them. We are trying to do more to raise the level of what I will call sort-of cyber literacy across our work force, because one of the things that we struggle with right now is that our sort-of our cyber black belts, if you can call them that, get diverted into having to help out with other kinds of criminal investigation work that has a cyber component. But if we could raise the basic level of literacy across the organization, and I assume Secretary Duke would say the same thing within hers, then we could really have the most talented people focus on the really sophisticated, cutting-edge stuff, and that is where I am hoping to take the organization.

Mr. RUTHERFORD. I am glad you referenced homeland security, because I know the Secret Service, for example, had some great success in going after transnational organizations with money laundering and those kind of things. It is important to have that cyber attack.

Director Rasmussen, how about you, is there anything—you know, what can we do to help you all with this recruiting, anything?

Mr. RASMUSSEN. Well, Director Wray made a very good point. With the mission that we have before us, whether it is counterterrorism we are dealing with, cyber crime, or cyber threats to the United States, motivating young people to want to do this for a living is not a challenge. When we put out announcements for job

openings, we get hundreds and hundreds of very high-quality applicants from all over the country.

One of the challenges we are facing in the intelligence community is getting them through the security clearance process quickly enough so we don't make someone wait 18 months to start embarking on their Federal career, and that is something we are working on internally. But I would tell you, the biggest thing that you could give us as all Federal agencies is a predictable funding environment so that we didn't have to wonder year-to-year, will I be able next year to have an entry-level cadre of young people coming in or am I stuck with this year's class and I have to hold onto them that much longer? So year-to-year predictability is very, very important.

Mr. RUTHERFORD. Yes. Let me ask one other thing in the little bit of time I have left. The National Cyber Incident Response Plan. As was mentioned earlier, DHS is responsible for the asset response, but FBI and DOJ are responsible for the threat response. What is the involvement of private industry in that partnership in response? Do we need some further clarification and definition of roles in the cyber war?

Mr. WRAY. I would say that while there was a time when the definition was murkier and there was more confusion about the lanes in the road, that after PPD-41, the lanes in the road, I think, are much more clearly defined. So I haven't seen as much of that as an issue.

I think the private-sector engagement piece is something that we in DHS work on together a lot more and more. We are always trying to figure out ways to balance the desire to get with the private sector faster, but at the same time, to make sure we are both providing accurate information and that we are not compromising an existing investigation. In many cases, the information that we are getting, at least on the FBI side, is either Classified or involves coordination with our foreign partners, as I said earlier, and there may be restrictions on our ability to share it.

So we are all learning collectively, the interagency community and the private sector, about how to kind-of adapt to this comparatively new threat still.

Mr. RUTHERFORD. OK. Well, again, I thank all of you for your time.

Mr. Chairman, I yield back.

Chairman MCCAUL. The gentleman yields.

The gentleman from Louisiana, Mr. Richmond, is recognized.

Mr. RICHMOND. Thank you, Mr. Chairman. Thank you, Ranking Member, for having this meeting. Thank you, Director Wray, for the meeting yesterday which was very thorough, and I hope we continue to follow up.

Let me just ask you all, and maybe Director Rasmussen or Director Wray would have more insight. I am concerned about the new and reemerging slave trade in Libya, and the question is: Have you all—do you all have any intelligence on it? Do you have any reason to believe that it is not, in fact, happening?

Mr. RASMUSSEN. Obviously, the fact that there is as much political chaos and a vacuum of authority in Libya opens the door to all kinds of criminal and other illicit activity. Human trafficking is

obviously a component of that, as groups try to move individuals up through Libya and potentially into Europe and contribute to the migrant problem—migrant challenge in Europe. We follow that pretty closely from a terrorism perspective because those same networks can be used to move extremists who want to do us harm or do harm to our allies and friends also.

So we could arrange to share some more Classified information with you or your staff in terms of what we know about those challenges. Unfortunately, what we know and what we can do about it are two separate things. We don't have a lot of capability on the ground.

Mr. RICHMOND. I agree. But almost like in a medical situation, you first have to diagnose that there is a problem and acknowledge there is a problem. I think that there is more that Congress can do. I just wanted to know from experts whether it is something you all would say is fact, that it is happening.

Mr. RASMUSSEN. It is certainly true.

Mr. RICHMOND. OK. Thank you for that.

Director Wray, and actually all of you all have employees that have to fill out the SF-86 form. You talked about the process of 18 months to actually get through the process. But my question is, at what point—and maybe, Director Wray, as a former agent, you can comment on this—at what point do omissions become willful and deliberate omissions that rise to violating, I think it is title 18, section 1001, which is penalties for inaccurate or false statements on the security clearance form?

Mr. WRAY. Well, first, while I would love to claim to having been a former agent, I can claim to be a former prosecutor. So I wouldn't want any of my—many of the many agents who work for me to view me as a poseur.

Mr. RICHMOND. Got it.

Mr. WRAY. But I am very proud of my credentials now, however.

Second, on the SF-86 point, you know, really it is going depend on all the facts and circumstances of the particular case. You know, willfulness requires a level of conscious knowledge and intent, a knowing falsehood and a recognition that the person is making a material omission or false statement and recognizing that that is what they are doing when they do it, I guess is the way I think of it. That is layman's speak, and you as a former defense lawyer can appreciate some of the nuances there.

Mr. RICHMOND. I guess, if we look at the administration and take the most obvious example, which is Kushner's form that has been amended, you know, over 100 times, and usually after it comes to light that it was inaccurate, the question becomes people who apply to your agencies who may leave off, you know, high school eviction, you know, college eviction from an apartment or something like that, who may get prosecuted for it, at what point do we start to get to selective prosecution if we don't set the example at the top level with willful omissions that don't get corrected until after they are brought to the public?

Mr. WRAY. Well, certainly, I think it is important to respond truthfully and completely on an SF-86, and I would expect all my folks to do that. It is a bear of a form to fill out, if you have ever seen one. The older you are and the more time periods you have

got to cover, it is a challenge. I am not aware of a whole lot of prosecutions that have occurred of people for their SF-86 responses, but certainly, I do think it is important for everybody at any level to try to be as truthful and complete and accurate as possible in filling out the SF-86.

Mr. RICHMOND. With my last 15 seconds, let me just thank you all for the job you do. We know how complicated it is from how do we secure drones or unmanned aircraft now. Mr. Higgins would relate, in my district, I probably have the largest petrochemical footprint in the country. That is a concern of how we protect it from flying objects that can be directed. So no one professes that what you do is easy, but we thank you for your service, because the safety of the homeland depends on it. For those people who work for you all, please let them know that this Congress—and I think I can speak for everybody—surely appreciates their service and sacrifice for the country,

With that, Mr. Chairman, I yield back.

Chairman MCCAUL. The gentleman yields.

The gentleman from Texas, Mr. Ratcliffe, is recognized.

Mr. RATCLIFFE. Thank you, Mr. Chairman.

Let me start off where my friend and colleague from Louisiana left off, and that is thanking our entire panel today.

Director Rasmussen, let me just tell you that I believe that our Nation is safer and better because of your service, and I will just tell you that you will be missed.

Secretary Duke, as the Chairman of the Cybersecurity and Infrastructure Protection Subcommittee here, I have enjoyed working with you, and I have appreciated your leadership on what I believe is our greatest National security threat in the long term: Cybersecurity. Having said that, while I look forward to working with you, I have a limited time today. While I believe that cybersecurity is our greatest National security threat, I believe that our most urgent National security threat right now relates to section 702 that has been mentioned a number of times.

So let me turn to you, Director Wray. The reason I call 702 the most urgent National security matter is I think it has been mentioned that it is about to expire. We have 9 legislative days left here in this Congress before the section 702 of FISA expires at the end of the year. Now, it has been mentioned that 702, broadly speaking, targets foreign intelligence from non-U.S. persons reasonably believed to be outside of the United States.

But quantifying exactly how important 702, I think, has been left out of some of the discussion, I want to give you the opportunity to expound on that or maybe refute it. Our intelligence agencies estimate that 25 percent of our actionable foreign intelligence comes directly from 702. Do you believe that to be accurate?

Mr. WRAY. I am not sure that I know what the percentage is, but that doesn't surprise me, that estimate. I would have no reason to question it. I will tell you that every person I talk to who has actually seen the operation of section 702 internally, up close—and I have sat with agents at the terminal watching how they use it so that I could be sure that I was really understanding it—every single one of them is just horrified at the thought that we would lose that valuable tool.

Mr. RATCLIFFE. Well, let's assume our intelligence agencies are correct and 25 percent is an accurate number, are you aware of any legal authority that would provide us a greater percentage of actionable foreign intelligence than section 702?

Mr. WRAY. No.

Mr. RATCLIFFE. OK. So we established that it is very, very important to our National security. Now let's talk about how effective 702 really is. I participated last week in a debate at the Judiciary Committee as Congress moved forward and the Judiciary Committee moved forward something called the USA Liberty Act, which seeks to reauthorize but significantly modify 702.

In the course of that discussion, I found some of the well-intentioned criticism to be misguided and unfair, because some folks are conflating section 215 in telephony metadata with section 702. Would you agree with me that those comparisons are misguided and unfair?

Mr. WRAY. Yes, I would.

Mr. RATCLIFFE. All right. So one of the, I think, legitimate concerns and questions that has been raised about section 702 relates to the issue of incidental collection of information on Americans and even non-U.S. persons who are in the United States. We know that that happens. But again, I think what has been left out of much of the public debate, and I want to give you the opportunity to weigh in and clarify, as we Members of Congress and the public watches this debate move forward, there is oversight of this incidental collection that takes place. It takes place through an oversight board, a nonpartisan board called the Privacy and Civil Liberties Oversight Board, or PCLOB, correct?

Mr. WRAY. Correct.

Mr. RATCLIFFE. PCLOB has actually issued a very specific report reviewing section 702 and the incidental collection that has taken place, correct?

Mr. WRAY. Correct.

Mr. RATCLIFFE. All right. To your knowledge, does that report from an independent oversight board, has it found—in the 7 years that 702 has been in place, has it found any intentional abuse of section 702?

Mr. WRAY. Not to my knowledge, no.

Mr. RATCLIFFE. Over 7 years, no intentional abuses of section 702. I would think that that is essentially a record of success for a Government authority that is unrivaled, certainly in my experience. So I guess you agree with me that 702 is our most important law enforcement and counterintelligence tool with respect to foreign intelligence?

Mr. WRAY. Yes.

Mr. RATCLIFFE. It is our most effective?

Mr. WRAY. Yes.

Mr. RATCLIFFE. It is our least abused?

Mr. WRAY. Yes.

Mr. RATCLIFFE. Given that, if we not only failed to reauthorize, but failed to reauthorize section 702 in as close to its form as it possibly is right now, would we as Members of Congress be jeopardizing National security for all 320 million Americans, in your opinion, as America's top law enforcement official?

Mr. WRAY. That is definitely my view. I appreciate the question, because I think, when I talk about the importance of reauthorizing section 702, it is exactly as you say. It is the importance of reauthorizing it in as close to the current form as possible.

Mr. RATCLIFFE. My time has expired. I thank you all.

Chairman MCCAUL. The gentleman yields.

Let me echo those sentiments. I believe reauthorization of 702 as close as possible to current law is vitally important to the security of the United States.

With that, the Chair now recognizes Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman.

Secretary Duke, thank you for being here today. I just was, last week, visiting our troops overseas for Thanksgiving. I was in Afghanistan. I am just amazed at how these young men and women are on the front lines fighting terrorism, doing so with the mission of protecting our homeland.

Earlier this year, I was disturbed to learn that if you are not a citizen in this country and you pick up a weapon and you go fight overseas and you die there, we will make you an automatic citizen. But if you survive and you come back to this country, you can still be deported. When I was out there, I was talking to a few of our soldiers who were telling me about some of their concerns and their problems with family members who are going through proceedings.

Can you tell me if any veterans are being deported right now under your watch?

Ms. DUKE. I would have to get back for the record. I do know that DOD, Department of Defense, is looking at reinstating the program of paths for citizenships for soldiers. But in terms of recently returning veterans, I would have to get back. They are not a priority, for sure.

Ms. BARRAGÁN. OK. Great. If you could do so in writing, I would appreciate that.

You know, I have introduced a bill to address this so that we can just make sure we are protecting those who are on the front lines and are serving.

I wanted to ask you a little bit about Hurricane Harvey in Texas. My understanding from reports that I had read is that there was some confusion about in directives on whether immigration checkpoints were going to remain or not. So I wanted to ask if you were aware of the confusion that was created from the directives?

Ms. DUKE. We early on issued that there would be no active immigration control, that other than criminal acts that needed to be addressed, that we would not do proactive immigration enforcement.

Ms. BARRAGÁN. OK. I am going to go ahead and enter into the record an article covered by NPR and some other organizations that kind-of highlighted the confusion that caused even the Mayor, I think, of Houston to have to come out to go on record to make a statement about this. I am hoping that this will be something that won't become an issue as another, you know, emergency disaster happens. Because we want to certainly make sure that people feel safe and secure in following authorities when they are being asked to leave. In that regard, I have introduced a bill on that. Hopefully, my colleagues will take a look at that.

Chairman MCCAUL. Without objection, so ordered.
[The information follows:]

ARTICLE SUBMITTED FOR THE RECORD BY HONORABLE NANETTE DIAZ BARRAGÁN
BORDER PATROL SAYS TEXAS CHECKPOINTS TO REMAIN OPEN DURING HURRICANE
HARVEY

By Julian Aguilar, Texas Tribune, August 25, 2017.

<https://www.texastribune.org/2017/08/24/border-patrol-texas-checkpoints-remain-open-hurricane-harvey/>

Customs and Border Patrol agents constantly patrol wide gravel roads along the border fence. The traffic—which has increased as border enforcement budgets have soared—is another threat to border wildlife, according to scientists and conservationists.—Callie Richmond for The Texas Tribune

The devastation was swift, and the recovery is far from over.

Editor's note.—This story has been updated with statements from the U.S. Border Patrol, Immigration and Customs Enforcement and U.S. Customs and Border Protection on Friday, Aug. 25.

As thousands of Texans prepare to evacuate their cities due to Hurricane Harvey, the United States Border Patrol said it is not planning to close its roadside immigration checkpoints north of the Rio Grande Valley unless there is a danger to travelers or its agents.

"Border Patrol checkpoints will not be closed unless there is a danger to the safety of the traveling public and our agents. Border Patrol resources, including personnel and transportation, will be deployed on an as-needed basis to augment the efforts and capabilities of local-response authorities," the agency said in a statement.

"The Border Patrol is a law enforcement agency and we will not abandon our law enforcement duties."

When asked to elaborate on the statement, CBP public affairs officer Roberto Rodriguez said officers would prioritize public safety but keep intact the goals of the agency's mission.

"We're not going to impede anybody getting out of here, but at the same time we're a law enforcement agency, so we still have to conduct our duties," he said.

On Friday, the agency offered a little more insight into when checkpoint closures could be expected.

"U.S. Border Patrol checkpoints in the path of Hurricane Harvey in Texas will close as state highways close. These closures will occur in a manner that ensures the safety of the traveling public and our agents," the statement reads. But the agency also made clear that checkpoints outside of Hurricane Harvey's path would remain open.

The American Civil Liberties Union of Texas quickly admonished the agency for putting policy ahead of safety.

"Safety should be a priority regardless of immigration status," said ACLU policy strategist Astrid Dominguez. "This is very concerning for the community. It sends a wrong message."

Also on Friday, Immigration and Customs Enforcement and Customs and Border Protection said in a joint statement that "non-criminal" enforcement activities will not occur at assistance shelters or evacuation sites. But they would remain vigilant "against any effort by criminals to exploit disruptions caused by the storm."

On Thursday, Southeast Texas and the state's coastal bend regions were expected to be the hardest hit by Hurricane Harvey. But the Rio Grande Valley and its surrounding areas are also bracing for possible severe flooding or worse if the path of the storm shifts.

As of Thursday afternoon, the National Weather Service said the threat to life and property for Brownsville and the surrounding areas was high and that "Emergency plans should include a reasonable threat for hurricane force wind of 74 to 110 mph of equivalent Category 1 to 2 intensity." But in an updated advisory on Friday, the weather service downgraded that threat to moderate after winds began to recede in the area.

The Border Patrol's statement on Thursday came the same day Brownsville Mayor Tony Martinez issued a disaster declaration for the city and activated its emergency operations center.

Dominguez said she was still hopeful that if the hurricane intensified and a mass evacuation was ordered, the federal government would ease up on enforcement.

That happened as recently as 2016, when ICE and U.S. Customs and Border Protection temporarily suspended enforcement measures during evacuations prompted by Hurricane Matthew.

“There will be no immigration enforcement initiatives associated with evacuations or sheltering related to Matthew, including the use of checkpoints for immigration enforcement purposes in impacted areas during an evacuation,” a 2016 statement read. ICE put out a similar message ahead of Hurricane Isaac in 2012.

In its news release Thursday, the Border Patrol said it would work to evacuate residents if called upon to do so.

“If there is a time when we have to unite with our emergency preparedness partners to evacuate community members, we assure you that we will act quickly ensuring that the safety of those requiring evacuation remains paramount,” the release states.

Ms. BARRAGÁN. Thank you.

I wanted to follow up on some of the questions about gun violence and really their connection to terrorism. I think I remember hearing former Homeland Security Secretary Jeh Johnson once made a comment—and I am going to quote him—it said: “meaningful, responsible gun control is now part and parcel of homeland security, especially given the prospect of home-grown, home-born violent extremism in this country.”

Do you agree with that assessment?

Ms. DUKE. What we are seeing now is really an agnostic look at tools. Guns are not necessarily the primary vehicle by which terrorism is occurring.

Ms. BARRAGÁN. Well, would you say that the guns are part of what terrorists are using, and that it certainly could be perceived as access to guns could be part of the issue?

Ms. DUKE. Guns, knives, vehicles are among the top, yes.

Ms. BARRAGÁN. Great. Thank you.

Director Wray, I wanted to ask you—you know, I have to first agree with some of my colleagues who echoed, you know, having more hearings on the threats presented by domestic terrorism and home-grown terror. I also wrote a letter to the Chairman asking that we do a hearing just on that. Instead, it is harder to get to all these issues with the short amount of time. But, Director Wray, terrorists are getting their hands on and using high-assault weapons. It is a repeated occurrence, costing American lives. We have seen it happen in San Bernardino and Orlando at the Pulse nightclub. In particular, there was an alarming statistic I saw that GAO reported that, between February 2004 and December 2015, known or suspected terrorists initiated background checks to purchase a weapon, I think it was about 2,500 times. Ninety-one percent of the transactions were allowed to proceed. Does this concern you?

Mr. WRAY. Well, I am not familiar with the specific report that you mention. I will say that, much as Secretary Duke has said, we are really focused on the terrorists themselves, whether they be domestic or international. They seem in many ways hell-bent on committing attacks that kill as many people as possible by whatever means they can get their hands on.

Ms. BARRAGÁN. So without looking at the report, would it be concerning to you that people who are on the known or suspected terrorist list are purchasing guns, and 91 percent of those people are allowed to purchase guns? Is that concerning at all to you?

Mr. WRAY. Certainly. The way you describe it is very concerning to me, yes.

Ms. BARRAGÁN. Thank you. I yield back.

Chairman MCCAUL. The gentlelady yields.

Mr. Garrett from Virginia is recognized.

Mr. GARRETT. Thank you, Mr. Chairman.

I would commend the gentlelady on pointing out these deported veterans issues. I was reading about that, and I saw that one was deported after he was convicted of shooting into an occupied vehicle in 2010. I am not sure who the President was then, but it is nice to see the attention getting brought on this subject matter now. So I would commend her for pointing that out, and cite a *Los Angeles Times* story that points out that each of the individuals in question deported between 2008 and 2016 had committed a crime, and there might be up to 350 such individuals.

But back to the testimony at hand, I am curious, I saw in Ms. Duke's testimony that the Federal agencies had coordinated prior to the events in Charlottesville. I think that is a good thing, certainly more is needed. But when you have large gatherings of people, say, for example, Saturday at 2 p.m. at my high school, which is in Congressman Brat's district and not my own, a State semi-championship football game will be held, probably about 8,000 people will be in attendance. Is there any Federal coordination for security for that sort of event?

Ms. DUKE. Unless it is a declared a National security event, our coordinations with the responsible local officials, we call that a soft target, and we do quite a bit of training, coordination, and assistance in advance to help them secure.

Mr. GARRETT. Right. I apologize for the way this is going because it is not intended to be a gotcha, and I am going that way almost reflexively. Too much time as a courtroom lawyer. But obviously, an event like that presents a soft target, as you indicated, and a collaboration—or a gathering of people in close proximity to one another. Yet technology recently has demonstrated, via numerous videos on the internet, of the ability to use drones as weapons, et cetera. There are numerous Unclassified videos in sites ranging from *The New York Times* to the *Washington Post* of 40-millimeter hand grenades being dropped through the cupolas of M1 tanks, et cetera. We have all seen them. Yet the anti-drone gun technology that currently exists is limited in its capacity to be sold specifically and exclusively to Federal law enforcement entities.

I would submit for any of you to comment on that the first line of defense at that football game on Saturday will be local law enforcement, with probably some augmentation by State law enforcement, but that we do a historically wonderful job of preparing for the last conflict to the last attack, and we generally do a relatively poor job, which has been brought to the forefront, post-9/11, of contemplating what that next attack might be. For example, the weaponization of vehicles that members of the panel have made reference to that we have now seen all too many times, not only in Europe, but most recently in the United States.

Can somebody tell me why the Virginia State Police or the Henrico County Police department or the Albemarle County Police Department can't purchase anti-drone technology when things like UVA football games or the NASCAR race at Richmond motor speedway occur under the protection of these entities? Can some-

body give me a good reason why local and State law enforcement can't avail themselves of anti-drone technology? I want you to say no, but if there is a good reason, I want to hear it too.

Ms. DUKE. No, there is no good reason. I think it goes, as the Chairman said, to legacy of authorities and not having the authorities because of the—it is conflated with the signal waves of cellphones and how they are tracked. So it needs to be addressed.

Mr. GARRETT. Thank you very much. Again, I am on the same team as all of you guys here, and I apologize again for my tone. I am going to try to snap out of it.

Would it, in your estimation, be a good policy area to consider to power down the ability to purchase anti-drone technology to State and local authorities, given that they are the first line of defense on so many soft-target events that occur every single day in this country? Not to the civilian on the street perhaps, but to law enforcement entities at the State and local level.

Ms. DUKE. I think also their ability to use them in antiterrorism use, and the Federal Government as well. We are limited just as State and local governments are.

Mr. GARRETT. Absolutely. So what you are suggesting then is that we should review en masse the employment doctrine as it relates to these particular technological advances?

Ms. DUKE. Yes.

Mr. GARRETT. I would yield back early, Mr. Chairman, just because I want to set a precedent today.

Chairman MCCAUL. Well, we certainly appreciate that, as do the witnesses.

The Chair recognizes Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

First, I would ask unanimous consent to submit a statement from the Anti-Defamation League.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

STATEMENT SUBMITTED FOR THE RECORD BY HONORABLE DONALD M. PAYNE, JR.

STATEMENT OF THE ANTI-DEFAMATION LEAGUE

November 30, 2017.

The Honorable MICHAEL MCCAUL,
Chair, House Committee on Homeland Security, Washington, DC 20515.

The Honorable BENNIE THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC 20515.

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: As the House Committee on Homeland Security holds hearings on "World-Wide Threats: Keeping America Secure in the New Age of Terror," we write to provide the views of the Anti-Defamation League (ADL) and ask that this statement be included as part of the official hearings record.

THE ANTI-DEFAMATION LEAGUE

Since 1913, the mission of the Anti-Defamation League has been to "stop the defamation of the Jewish people and to secure justice and fair treatment for all." For decades, the League has fought against bigotry and anti-Semitism by exposing extremist groups who spread hate and incite violence. The League is now the foremost non-governmental authority on domestic terrorism, extremism, organized hate groups, and hate crimes. Through our Center on Extremism, whose experts monitor a variety of extremist and terrorist movements, ADL plays a leading role in exposing extremist movements and activities, while helping communities and Government agencies alike in combatting them. ADL's team of experts—analysts, inves-

tigators, researchers, and linguists—use cutting-edge technology to track and disrupt extremists and terrorists world-wide. The League provides law enforcement officials and the public with extensive resources, such as its analytic reports on extremist trends and its Hate Symbols¹ and Terror Symbols databases.

ASSISTING LAW ENFORCEMENT

ADL is the largest non-governmental provider in the United States of training for law enforcement on hate crimes, extremism, and terrorism, as well as on building trust between police and the people and communities they serve. Each year, ADL experts deliver customized, in-depth training on these subjects to more than 15,000 Federal, State, and local law enforcement personnel at hundreds of agencies. ADL's dual role as a preeminent civil rights organization, and as a strong and trusted partner of law enforcement, gives us the credibility to offer a continuum of service that influences the way law enforcement fights hate and interacts with the communities they serve. ADL provides law enforcement with information, expertise, and actionable intelligence to prevent, disrupt, and respond to those extremists who cross the line from espousing hateful ideologies to committing violent, criminal acts, thus protecting the Jewish community and all Americans. ADL's Advanced Training School, a highly acclaimed and sought after 3-day program on domestic and international terror threats, has trained more than 1,100 senior law enforcement executives since it was launched in 2003.

IDENTIFYING THE THREAT

In the United States, adherents of a variety of extremist movements—from white supremacists to black nationalists to Islamist extremists—perceive Jews as their enemy and target the Jewish community with propaganda, violence, or both. Extremists also target other communities of minorities, as well as the democratic foundations of Government that protect everybody's rights. Understanding the diverse list of perpetrators that threaten the Jewish and other minority communities is the first step to protecting them from violent extremism.

THE IMPACT AND DISTURBING PREVALENCE OF ANTI-SEMITISM AND HATE VIOLENCE

All Americans have a stake in effective response to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are intended to intimidate the victim and members of the victim's community, leaving them feeling fearful, isolated, and vulnerable. Failure to address this unique type of crime often causes an isolated incident to explode into wide-spread community tension. The damage done by hate crimes, therefore, cannot be measured solely in terms of physical injury or dollars and cents. By making members of targeted communities fearful, angry, and suspicious of other groups—and of the power structure that is supposed to protect them—these incidents can damage the fabric of our society and fragment communities.

Data must drive policy. The first step in addressing the problem of anti-Semitism and hate violence is to know its nature and magnitude.

ADL AUDIT OF ANTI-SEMITIC INCIDENTS

Since 1979, the Anti-Defamation League has been compiling an annual *Audit of Anti-Semitic Incidents* ("the Audit"). We track anti-Semitic incidents not only because we are a Jewish community civil rights organization, but because anti-Semitism, the longest and most persistent form of prejudice, threatens security and democracy and is an indicator of the health of a society as a whole.

The Audit includes both criminal and non-criminal acts of harassment and intimidation, including distribution of hate propaganda, threats, and slurs. Compiled using information provided by victims, law enforcement, and community leaders, each recorded incident specifically was evaluated by a member of ADL's professional staff who personally verified the information. In short, our Audit provides an annual snapshot of one specific aspect of the Nation-wide bias crime problem and sheds light on broader trends. The Audit assists ADL in developing and enhancing our education, training, and outreach programs to counter and prevent the spread of anti-Semitism and other forms of hate and bigotry.²

¹<https://www.adl.org/education/references/hate-symbols>.

²For example, after 3 years of tracking significant data increases, ADL drafted the first model State hate crime penalty-enhancement law and promoted its enactment across the country. Today, the Federal Government and 45 States and the District of Columbia have enacted hate

Continued

Through the Audit, ADL has modeled the role that communities can take in elevating the need for monitoring and reporting hate crime. We strongly have promoted the notion that if the Jewish community wants law enforcement officials to take anti-Semitic acts seriously, we must do so—and report them to the police.

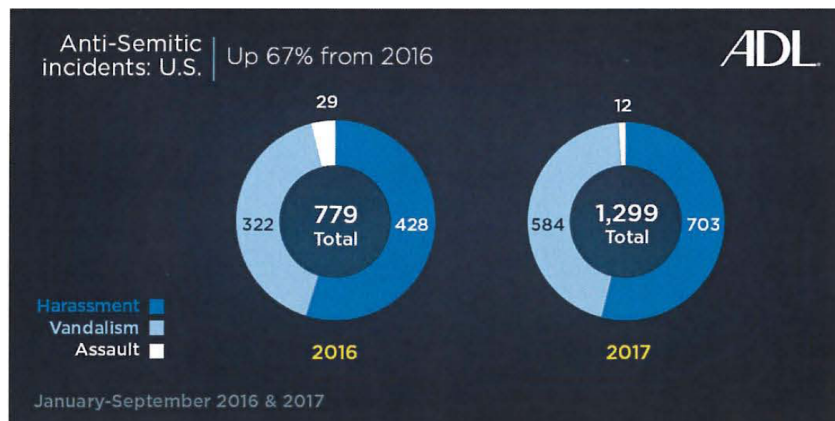
New Audit data released earlier this month shows that the number of anti-Semitic incidents remains significantly higher in 2017 compared to 2016, with an increase of 67 percent over the first three quarters of the year. In addition to the significant bump in the first quarter of this year, we also saw a distinct increase after the “Unite the Right” rally in Charlottesville, Virginia in August.

Specifically, our report³ documented that from January 1 to September 30 there were 1,299 anti-Semitic incidents across the United States, including physical assaults, vandalism, and attacks on Jewish institutions. And the total already exceeds the 1,266 incidents reported in all of last year.

Compared to 2016, each of the first three quarters of 2017 had a higher number of incidents. These incidents peaked during the first quarter of 2017, and the pace slowed somewhat in the second and third quarters. Of all 1,299 anti-Semitic incidents so far in 2017, a majority (667) occurred in the first quarter of the year. An additional 632 anti-Semitic incidents were reported in the second and third quarters of the year, surpassing the 488 incidents reported during the same period in 2016.

From January through September 30, there were:

- 703 incidents of harassment, including 162 bomb threats against Jewish institutions in three dozen States;
- 584 incidents of vandalism, including 52 against Jewish institutions; and
- 12 physical assaults.



ADL 2017 Audit: Comparison of Quarters 1-3 Totals

These incidents⁴ took place across the country, but consistent with prior reports, the States with the highest number of incidents tend to be those with the largest Jewish populations. These include New York State (267 incidents); California (197); Massachusetts (117); Florida (69); and Pennsylvania (58).⁵

TRACKING AND RESPONDING TO HATE CRIMES IN THE UNITED STATES

The FBI has been tracking and documenting hate crimes reported from Federal, State, and local law enforcement officials since 1991 under the Hate Crime Statistics Act of 1990 (HCSA).⁶ Though clearly incomplete (as discussed below), the Bu-

crime laws, modeled on, or similar to, our original draft. <https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/ADL-updated-2016-Excel-State-Hate-Crime-Statistics.pdf>.

³<https://www.adl.org/news/press-releases/adl-data-shows-anti-semitic-incidents-continue-surge-in-2017-compared-to-2016>.

⁴<https://www.adl.org/news/domestic-anti-semitism-selected-incidents-across-the-country-in-2017>.

⁵A State-by-State breakdown of the incidents in the Audit is here: <https://www.adl.org/news/adl-2017-audit-of-anti-semitic-incidents-a-breakdown-of-the-numbers-state-by-state>.

⁶28 U.S.C. §534 (1990).

reau's annual HCSA reports provide the best single National snapshot of bias-motivated criminal activity in the United States.⁷

In 2016, the most recent report available, the FBI documented 6,121 hate crimes reported by 15,254 law enforcement agencies across the country—a 5 percent increase over 2015 figures (5,850), with nearly one hate crime committed every 90 minutes of every day.⁸ Of the 6,121 total incidents, 2,922 were motivated by racial bias (47.7 percent), 1,076 by sexual orientation bias (17.6 percent), and 1,273 by religious bias (20.8 percent).

Crimes directed against Jews increased 3 percent,⁹ and reported crimes against Muslims increased 16.3 percent, from 257 in 2015 to 307 in 2016. The number of reported anti-Muslim hate crimes in 2016 was, in fact, the second-most ever—second only to the series of backlash crimes in 2001 after the 9/11 terrorist attacks.¹⁰

In 2016, 15,254 law enforcement agencies participated in the HCSA data collection effort—more than ever before. However, the FBI report documented 92 cities over 100,000 in population that either affirmatively reported zero (0) hate crimes—or did not participate in the program at all.¹¹ Accurate, reliable data is essential to build community trust and shape law enforcement tactics and deterrent policies.

EXTREMISTS AND HATE GROUPS EMBOLDENED

It is important to understand that the vast majority of anti-Semitic incidents and other hate crimes are not carried out by extremists or organized hate groups. But the extraordinarily polarizing and divisive election campaign—which featured harshly anti-Muslim and anti-immigrant rhetoric, as well as anti-Semitic dog whistles—coarsened the public discourse and fostered an atmosphere in which white supremacists and other anti-Semites and bigots felt emboldened and believed that their views were becoming more broadly acceptable. This trend has continued with the Trump administration's repeated flirtation with these elements—retweeting their content and quoting their heroes. And the President's repeated reluctance to address extremism, hate, and anti-Semitism—or implied approval of the same—has helped to mainstream these toxic ideas.

RIGHT-WING EXTREMISM

Over the past 10 years (2007–2016), domestic extremists of all kinds have killed at least 372 people in the United States. Of those deaths, approximately 74 percent were at the hands of right-wing extremists such as white supremacists, sovereign citizens, and militia adherents.¹² Right-wing extremists have been responsible for plotting at least 150 acts of terror in the United States over the past 25 years.¹³

Right-wing extremists choose many targets for their anger, most frequently Government, law enforcement, and racial and religious targets. The most common religious targets are Jews and Muslims, while the most common racial targets were African Americans, including multi-racial targets.

The white supremacists who target minority communities for acts of terror and violence include adherents of every major segment of their movement, including neo-Nazis, racist skinheads, the religious sect Christian Identity, and the Alt-Right. The militia movement has especially embraced a particular type of bigotry: Anti-Muslim

⁷ The Act has also proven to be a powerful mechanism to confront violent bigotry, increasing public awareness of the problem and sparking improvements in the local response of the criminal justice system to hate violence—since in order to effectively report hate crimes, police officials must be trained to identify and respond to them.

⁸ <http://ucr.fbi.gov/hate-crime/2016>. The FBI's HCSA training manual is now the single most important, most inclusive hate crime training resource available for law enforcement officials. <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf>.

⁹ As has happened every year since 1990, a disturbingly high and disproportionate percentage of the total number of reported religion-based crimes (54 percent) were directed against Jews and Jewish institutions. In fact, since 1990, anti-Jewish hate crimes have been between 50 and 85 percent of the religious-based hate crimes—an especially disturbing fact when you consider that Jews are less than 3 percent of Americans.

¹⁰ Primarily because of mistrust of police, crimes against Muslim Americans are under-reported. Muslim Advocates has earned a reputation as an essential complement to FBI numbers, the most important non-governmental source of information on anti-Muslim hate crimes and vandalism directed against Mosques. The organization maps anti-Muslim hate crimes and maintains a portal for individuals to report incidents on-line. <https://www.muslimadvocates.org/map-anti-muslim-hate-crimes>.

¹¹ <https://www.adl.org/sites/default/files/documents/FBI%20HCSA%202015%20Cities%20that%20DNR%20or%20Reported%20Zero%20ML.pdf>.

¹² <https://www.adl.org/education/resources/reports/murder-and-extremism-in-the-united-states-in-2016>.

¹³ <https://www.adl.org/news/press-releases/adl-report-exposes-right-wing-terrorism-threat-in-the-us>.

hatred. This Islamophobia has taken numerous forms, from armed protests in front of mosques to a major terrorist plot in October 2016 in Garden City, Kansas, where three militia members were arrested in connection with an alleged plot to blow up an apartment complex that primarily housed Muslim Somali-American residents. We should be concerned that the militia movement could produce similar terror attempts aimed at Muslims in the future.¹⁴

The social networking revolution from 2006–2009 made it easier for extremist ideas and tactics to spread very far, very quickly. This facilitated the emergence of new extremist movements, such as the white supremacist alt-right, to quickly gain followers, and helped established movements, such as the sovereign citizen movement, to rapidly resurge. Social networking has also provided opportunities for extremists to meet each other and even to plot on-line. The October 2008 school attack plot in Tennessee and the Georgia militia plot of February 2014 are two examples where extremists who connected on-line later met in person to plot terrorist acts.¹⁵

WHITE SUPREMACISTS ON CAMPUS: UNPRECEDENTED RECRUITMENT EFFORTS UNDER
WAY

ADL has documented that white supremacists are engaged in unprecedented outreach efforts on American college campuses—another sign that these hate groups feel emboldened by the current political climate.¹⁶ ADL's Center on Extremism has documented 309 incidents of white supremacist flyers, posters, stickers, or banners on 201 different college campuses in 42 States since September 1, 2016. Of those 309 incidents, 127 have occurred since the beginning of the fall semester this year (September 1, 2017). This is a significant increase compared to the same period in 2016 (from September 1, 2016, to November 27, 2016, we counted 30 incidents). Furthermore, Richard Spencer continues to make efforts to speak at public universities around the country in an attempt to promote white nationalism to young audiences.

White supremacists are mobilizing in hopes of translating their on-line activism to “real world” action, and campuses—and young people—are prime targets, in part because they are still figuring out who they are, and what they believe. Extremists also undoubtedly see value in recruiting a new generation that can carry the movement for years to come.

Longtime white supremacist Jared Taylor recently wrote on his website, American Renaissance, that colleges are of special interest “because they are bastions of anti-white propaganda.” Before he imploded publicly in February, Islamophobic and misogynist gadfly Milo Yiannopoulos told CNN, “I am speaking on college campuses because education . . . is really what matters. It's a crucible where these bad ideas are formed. Bad ideas like . . . progressive social justice, feminists, Black Lives Matter”¹⁷

Yiannopoulos' appearances (some of which were canceled) seem to have had an energizing impact on other racists. Nathan Damigo, founder of the white supremacist group Identity Evropa, has called Yiannopoulos “an inspiration,” and showed up at the (ultimately canceled) Yiannopoulos speech at UC Davis, hoping to poach a few fans for his own cause, which he outlined in a tweet: “We will not rest until Alt-Right ideas are represented on campuses nationwide.”

While the vast majority of white supremacist campus actions involve hateful fliers (e.g., “Imagine a Muslim-Free America,”) and stickers (e.g., “Make America White Again”), white supremacists have also sent anti-Semitic faxes and, in the case of white supremacist Richard Spencer, delivered speeches on campus. Many of these incidents are linked to larger coordinated promotional efforts by white supremacist groups, like Identity Evropa's “Project Siege,” which includes actual campus recruitment visits, and American Vanguard's “Northern Propaganda Campaign.” Not coincidentally, these two groups are responsible for the majority of the white supremacist fliers and events tracked over the last several months.

In January, American Renaissance launched a hate-filled campus campaign, which for now seems to be limited to hanging “pro-white” propaganda posters. “Racial activists,” Jared Taylor wrote on the American Renaissance website, should place the “attractive posters” in “high-traffic areas” around campus. Racist fliers and posters have adorned parking garages, street signs, billboards, utility poles, and corridors.

¹⁴ <https://www.adl.org/education/resources/reports/dark-constant-rage-25-years-of-right-wing-terrorism-in-united-states>.

¹⁵ <https://www.adl.org/education/resources/reports/dark-constant-rage-25-years-of-right-wing-terrorism-in-united-states>.

¹⁶ <https://www.adl.org/blog/white-supremacists-on-campus-unprecedented-recruitment-efforts-underway>.

¹⁷ <http://www.cnn.com/2017/02/02/us/milo-yiannopoulos-ivory-tower/index.html>.

Andrew Auernheimer, a white supremacist hacker known as “Weev,” took targeting to the next technological level when he sent out anti-Semitic and racist fliers via many thousands of campus printers across the country. One flier, decorated with swastikas, read in part, “I unequivocally support the killing of children. I believe that our enemies need such a level of atrocity inflicted upon them . . . So the hordes of our enemies from the blacks to the Jews to the Federal agents are deserving of fates of violence so extreme that there is no limit to the acts by which can be done upon them in defense of the white race.” The fliers referenced *The Daily Stormer*, Andrew Anglin’s notoriously hateful neo-Nazi website.

These days, white supremacists are taking more forceful steps to establish a physical presence on campus. Identity Evropa was clear in its goals—and used fittingly “academic” language—when describing its “Project Siege” plans for the 2016–17 school year of talking to actual students: “Project Siege is the beginning of a long-term cultural war of attrition against the academia’s cultural Marxist narrative that is maintained and propagated into society through the indoctrination of the future managerial class. If we are to be successful in combating the current paradigm,” the on-line message read. “It is imperative that we create space for our ideas at universities across the country. Speaking with students and helping them unpack some of their assumptions while gaining name recognition for our organizations are the ways in which we will create the foundation for that space.”

White supremacist events on campus face particular scrutiny and, in some cases, speakers are able to circumvent the school altogether, avoiding heated debates over free speech rights. In December, when Richard Spencer spoke on the Texas A&M campus, he wasn’t there as a guest of the University. Instead, he spoke to supporters and on-lookers in a room rented for the occasion by local neo-Nazi Preston Wiginton.

THE ALT-RIGHT

The alt-right is the newest segment of the white supremacist movement, a movement that already encompasses neo-Nazis, racist skinheads, “traditional” white supremacists such as Ku Klux Klan groups, Christian Identity adherents, and white supremacist prison gangs. The alt-right emerged in the late 2000’s from a variety of sources, including the on-line subculture of message boards and image boards like 4chan, 8chan, and Reddit, the on-line gaming subculture, the so-called men’s rights movement, and others. Richard Spencer emerged as its most well-known American spokesperson.

The ideology of the alt-right, such as it is, is based on standard white supremacist beliefs about the need to protect the white race from a “rising tide of color,” combined with anti-Semitism, Islamophobia, xenophobia, nationalism, misogyny, and anti-LGBTQ beliefs. Demographically, the alt-right is quite young and largely male; significantly, most adherents of the alt-right are new to white supremacy and have not previously been part of other segments of the movement.

For most of its brief history, the alt-right has largely existed on-line, with few entities that could be considered alt-right “groups,” and few events related to the alt-right taking place in the physical world. The 2016 Presidential election campaign, however, changed the trajectory of the alt-right, luring it more into the real world. Generally speaking, the alt-right strongly supported Donald Trump’s candidacy and became active in supporting Trump and attacking his foes. After his victory, the alt-right—mistakenly thinking it had played a significant role in Trump’s election, but correctly realizing it had grown considerably in 2016 thanks in large part to all the media attention it garnered—became emboldened, with many alt-right activists more eager to organize or attend events in the real world.

As the alt-right became more and more identified as part of the white supremacist movement, those adherents who shared most or all of its convictions—except overt white supremacy—sought to distance themselves from the white supremacists. Some of them began to refer to themselves as the “New Right,” but alt-right white supremacists derisively referred to them as the “alt-lite.” A public feud developed between the two factions in 2017.

One thing the factions could still agree on was hatred of the left. Left and progressive groups and movements in the United States reacted negatively to the election of Donald Trump, holding large protests after the election, at the inauguration, and afterwards. In particular, the antifa (short for anti-fascist), a collection of anarchist and far left groups, networks and individuals, became active protesting at some events involving hateful speakers such as Milo Yiannopoulos and Ann Coulter.

As antifa targeted what they perceived as bigotry and hate speech, the alt-right and alt-lite began showing up in public to confront them. So too did another segment of the far right, the militia movement. Part of the anti-Government extremist

sphere of the American far right rather than the white supremacist sphere, the militia movement has historically concentrated its anger on the Federal Government, which it views through a hostile, suspicious, and highly conspiratorial lens. However, the election of Trump, a candidate supported by the militia movement, caused the movement to look for new enemies other than the Federal Government and it quickly found them in the antifa, whom they described as “domestic terrorists,” and claimed were being trained in Syrian terrorist training camps, and who were covertly led and funded by liberal, Jewish philanthropist George Soros in an attempt to undermine and overthrow the Trump administration.

Throughout 2017, then, adherents from these various far right movements showed up at events, or arranged their own events, designed to clash with protesters from the left, especially antifa. From Boston to Berkeley, Portland to Houston, these confrontations took place, some of them violent. Often the only meaningful result from these events was to leave people wanting even more confrontation.

It is against this backdrop that the events at Charlottesville played themselves out.

SPOTLIGHT ON CHARLOTTESVILLE: WHAT HAPPENED AND WHY

In the broadest sense, what took place in Charlottesville was due primarily to two factors: (1) The growth of the alt-right and its transition from being largely an on-line phenomenon into one also active in “real world” events and activities, and (2) the effects the 2016 Presidential election results have had on a number of ideological movements in the United States.

On August 11–12, 2017, a large white supremacist event dubbed “Unite the Right” occurred in Charlottesville, Virginia, ostensibly to protest the removal of a statue of Robert E. Lee in a local park. A torch-lit parade the first evening of the event became violent, with clashes between white supremacists/neo-Nazis and counter-protesters; the violence continued and increased the next day, with the white supremacists responsible for the bulk of it. The worst example of such violence occurred when a white nationalist from Ohio drove his car into a crowd of protesters, killing one woman and injuring many more.

The Unite the Right rally was actually the third white supremacist event Charlottesville residents had had to endure this year. The first event occurred on May 13, when around 100 white supremacists gathered to protest the city council’s decision to remove Confederate monuments from local parks. In the afternoon, they arranged a “flash mob” march to the Robert E. Lee monument, where speakers such as Richard Spencer and Nathan Oamigo addressed the crowd of white supremacists. The crowd, in turn, chanted slogans such as “they will not replace us” and “Russia is our friend.” That evening, the white supremacists returned to the park, with Tiki torches, to hold a torchlight parade.

That torchlight parade got considerable attention from both traditional and social media, causing organizers of the event to consider it a major success and to seek more of the same.

On July 8, the Loyal White Knights of the Ku Klux Klan staged their own rally in Charlottesville, with around 50 Klan members and supporters attending. They were opposed by more than a thousand counter-protesters, but law enforcement used physical barriers to separate the sides and escorted the white supremacists in and out of the park where they rallied. Several counter-protesters were arrested prior to the event for trying to block entrance to the park, while more were arrested after the event. Eventually police fired several tear gas canisters into the crowd to force its dispersal. Overall, 22 people were arrested at the event. Authorities were criticized after the event by counter-protesters for what they termed an over-reaction. These two circumstances—counter-protesters trying to get at the Klan members and criticism of the police response—may have had an effect on efforts to control the Unite the Right rally the following month.

Indeed, well before the Klan event took place, organizers of the May Charlottesville event and others had already begun to plan and organize the United the Right rally, which they viewed as a larger and grander sequel to their May event. They began their preparations months in advance, reaching out for speakers, publicizing the event on social media, and getting groups and individuals alike interested in attending.

The Violence

Historically, white supremacists are often on the defense in clashes at events involving white supremacists and counter-protesters, in part because they are typically heavily outnumbered and in part because antifa are often determined to physically confront the white supremacists.

Unite the Right was different, however. In part, this was because there were more than 10 times as many white supremacists at the event than at a typical public white supremacist event, giving them numbers they do not usually have. Indeed, ADL identified white supremacists from at least 35 States at the Unite the Right rally. Another factor was that throughout the spring and summer, far right groups at such events had increasingly been adopting “street fighting “ stances, including manufacturing or purchasing a wide variety of offensive and defensive gear to employ during street confrontations. In fact, a significant number of white supremacists and supporters came to the Unite the Right rally openly carrying firearms. The right-wing extremists had been unusually aggressive at a number of events in 2017, compared to past years.

The white supremacists were outnumbered by counter-protesters, but the great bulk of the people opposing the white supremacists were peaceful protesters, many from local church or community groups. There were some antifa, as well as representatives of other confrontational left-wing groups such as Redneck Revolt, but the ratio of forces was quite different than at other events, including the previous Klan event in Charlottesville.

The violence started on the evening of August 11, when the torch-carrying marchers arrived at the University of Virginia’s Rotunda building, where they encountered and overpowered a small group of counter-protesters at the Jefferson monument, some using their torches as bats. The marchers dispersed after law enforcement finally stepped in, and there are reports, particularly from leaders in the faith community, of counterprotestors providing protection from white supremacist violence when law enforcement was unavailable.

The next morning, Unite the Right rally goers began to show up at Emancipation Park, in groups small and large, from a variety of locations and staging areas (rather than, as at the previous event, arriving at one staging area and being brought to the event area by law enforcement). As counter-protesters were doing the same, numerous encounters occurred between the white supremacists and counter-protesters, some of which turned violent. Most of the violence seemed to have been started by the white supremacists.

The most notorious occurred when James Alex Fields, Jr., of Maumee, Ohio, allegedly drove his vehicle into a crowd of counter-protesters, injuring large numbers of them and killing Heather Heyer. In another incident captured on video, several white supremacists and hate group members severely beat a Black counter-protestor, DeAndre Harris, in a parking garage. Harris was later arrested based only on the word of one of his assaulters, a hate group leader, that Harris actually attacked him.

The Significance of Charlottesville

First and foremost, Charlottesville was a tragedy, involving an assault on a community, the attempted intimidation of marginalized people across the country, and the murder of Heather Heyer. Adding to that is the tragic loss of Lieutenant H. Jay Cullen and Trooper-Pilot Berke M.M. Bates, two Virginia State troopers who died in a helicopter crash while on their way to monitor the event.

But the event also served—and needs still to serve—as an important wake-up call, alerting people to the problems that radical right-wing movements legitimately pose in the United States. The year 2017 is not yet over, but the country has already seen a variety of murders, shootings, hate crimes, and violent plots and acts by white supremacists, anti-Government extremists, and other right-wing extremists.

The events in Charlottesville that weekend captured the attention of and shocked most Americans, many of whom had no idea that right-wing extremists had become so numerous or so bold. One of the most enduring moments related to Charlottesville was President Trump’s statement that there were “very fine people on both sides” of the Unite the Right rally, a statement that further emboldened the extremists and added injury to those already under assault. Though violence stemming from right-wing extremism actually occurs frequently in the United States, such incidents are not always well-reported by the National media, and people often have little understanding of its scope. Thus, Charlottesville, and the concerning response to it from the White House, came as a wake-up call for many.

The events in Charlottesville also had an outside impact on the Jewish community. For many younger Jews, hearing white supremacists chanting “Jews will not replace us” may have been their first encounter with public anti-Semitism.¹⁸ For Jewish adults and seniors, watching Nazi salutes and hearing chants of “sieg heil and “blood and soil” (the latter is a translation of the Nazi slogan “Blut und Boden”)

¹⁸ <https://www.adl.org/blog/anti-semitism-on-full-display-in-charlottesville>.

evoked memories or family recollections of the most overwhelming trauma in modern Jewish history. The white supremacist groups that participated in the Charlottesville rally have a well-established record of anti-Semitism, and individual leaders of the movements present at the rally, including former Klansman David Duke, are prolific promoters of anti-Semitism in the United States.

Anti-Semitic incidents spiked on the days of the Charlottesville march and rally and immediately following. Of the 306 incidents documented in our Audit that were reported in the third quarter, 221 took place on or after the August 11 rally.

While not ignoring other types of extremist threats to the peace and tranquility of the United States, Charlottesville requires us to ask what the country can do to better combat the threat of right-wing extremist violence, as well as how to demonstrate conclusively that such violence goes against what the American experiment stands for.¹⁹

LEFT-WING AND BLACK NATIONALIST VIOLENCE

While in no way comparable to the nature and magnitude of the threat posed by right-wing and white supremacist groups, we have taken note of several recent incidents of violent activity by left-wing groups and individuals with black nationalist beliefs.

On Wednesday, June 14, a Congressional baseball team in the midst of a morning practice in Alexandria was attacked by a lone gunman. The U.S. House Majority Whip, Rep. Steve Scalise (R-LA), was seriously injured, and several others were also shot. In recent months, the ADL has been warning law enforcement personnel about the possibility of an increase in left-wing violence as a result of the growing anger directed at President Trump, his administration, and political allies. The shootings in Alexandria appear to be an example of this.²⁰

Over the course of the past year, at least 2 individuals with Black Nationalist beliefs have violence has taken a deadly toll, responsible for the deaths of 8 police officers in Dallas and Baton Rouge in 2016.²¹ In July 2016, Micah Xavier Johnson, who had ties to black nationalist groups such as the New Black Panther Party, killed 5 police officers (and injured 9 others) in Dallas, Texas, in an ambush attack aimed at police who were maintaining public order at a Black Lives Matter protest. That same month, Gavin Eugene Long ambushed and shot 6 police officers, 3 of them fatally, in Baton Rouge. Long, like Johnson, was an adherent of Black Nationalism and a military veteran, as well as a member of the anti-Government sovereign citizen movement. Both incidents appear to have been motivated by anger in response to police shootings of African American men.²²

As described above, law enforcement officers across the United States have recently faced the challenge of keeping the peace at a number of far-right rallies and demonstrations. Their task, to secure both safety and First Amendment rights, has been made more difficult not only by the white supremacists and other bigots who have shown up in Charlottesville,²³ Berkeley, and Boston, but also by a relatively small number of counter-protesters who engage in confrontational tactics, including violence, in their opposition to the right-wing extremists. For example, the August 27 anti-racist march in Berkeley, attended by thousands of peaceful counter-protesters, turned chaotic when a number of anarchists appeared and allegedly attacked several right-wing or pro-Trump attendees.

EXTREMISM SPARKED BY RADICAL INTERPRETATIONS OF ISLAM

One of the most striking elements of today's domestic threat picture is the role that a growing number of American citizens and residents motivated by radical interpretations of Islam have played in criminal plots to attack Americans in the United States and abroad. Over the past 10 years, about 24 percent of victims killed by domestic terrorists were at the hands of domestic Islamic extremists. Just last month, 8 people were killed and almost a dozen others injured when a 29-year-old Sayfullo Habibullaevic Saipov ran people over with a truck on a busy bicycle path near the World Trade Center in Manhattan. Authorities found a note near the truck claiming the attack was made in the name of the Islamic State (ISIS). ADL's report

¹⁹The fact that Congress enacted a joint resolution addressing the violence, with specific policy recommendations and objectives, also distinguishes the impact of the violence in Charlottesville. <https://www.congress.gov/115/plaws/publ58/PLAW-115publ58.pdf>.

²⁰<https://news.vice.com/story/extremism-experts-are-starting-to-worry-about-the-left>.

²¹<https://www.adl.org/educational/resources/reports/murder-and-extremism-in-the-united-states-in-2016>.

²²<https://www.adl.org/blog/fresno-shootings-latest-incident-in-rise-of-black-nationalist-violence>.

²³<https://www.adl.org/blog/violence-and-hate-unite-the-right>.

earlier this year, titled “A Changing Landscape of Threats,” outlined changing tactics of such extremists, including how more extremists are using non-traditional weapons (knives, cars) in their attacks and how plots are increasingly focused on public spaces rather than symbolic targets.²⁴

Indeed, four of the five deadliest ideologically-motivated attacks in the United States have been inspired by Islamic extremist ideology, including attacks in Fort Hood, TX, San Bernardino, CA, and Orlando, FL, the worst mass shooting in American history, in which Omar Mateen opened fire inside Pulse, a gay nightclub in Orlando, killing 49 people. During the shooting, Mateen, an American citizen born in New York, declared his allegiance to ISIS. As demonstrated by this horrific shooting, it is clear that there are deliberate attempts by international terrorist groups that justify and sanction violence to appeal to and engage sympathizers in the United States.

A disturbing number of cases also demonstrate the degree to which hatred of Jews and Israel play a part in the radicalization process of home-grown extremists. However, efforts to explore these legitimate security concerns should not be overwhelmed by the kind of unfair stereotyping and prejudice that has too-frequently accompanied recent public debates.

TERRORIST EXPLOITATION OF SOCIAL MEDIA

As internet proficiency and the use of social media grow ever-more universal, so too do the efforts of terrorist groups to exploit new technology in order to make materials that justify and sanction violence more accessible and impactful. Terrorist groups are not only using various on-line and mobile platforms to spread their messages, but also to actively recruit adherents who live in the communities they seek to target.

While the fundamental ideological content of terrorist propaganda has remained consistent for two decades—replete with militant condemnations of perceived transgressions against Muslims world-wide, and appeals for violence and anti-Semitism—terrorist groups are now able to reach, recruit, and motivate extremists more quickly and effectively than ever before by adapting their messages to new technology.

In the past, plots were directed by foreign terrorist organizations or their affiliates, and recruitment and planning generally required some direct, face-to-face interaction with terrorist operatives. Indoctrination came directly from extremist peers, teachers, or clerics. Individuals would then advance through the radicalization process through constant interaction with like-minded sympathizers or, as the 2007 New York Police Department report on radicalization described, with a “spiritual sanctioner” who gave credence to those beliefs. Today, individuals can find analogous social networks, inspiration, and encouragement on-line, often packaged neatly together with bomb-making instructions. This enables adherents to self-radicalize without face-to-face contact with an established terrorist group or cell.

Individual extremists, or lone wolves, are also increasingly self-radicalizing on-line with no physical interactions with established terrorist groups or cells—a development that can make it more difficult for law enforcement to detect plots in their earliest stages. Terror groups are taking full advantage of this virtual audience, and regularly publish detailed instructions for lone-wolf terror attacks²⁵ using knives, as well as cars, trains,²⁶ and other modes of transportation.

Approximately half of the 150 terrorist incidents described in a 2017 ADL report on 25 years of right-wing terrorism were perpetrated by lone-wolf offenders.²⁷ Today, thanks to the internet, it is easier than ever for someone to become steeped in extremist ideologies, even to the point of being willing to commit acts of great violence, without ever being involved in an organized extremist group. The overwhelming majority of American citizens and residents linked to terrorist activity motivated by Islamic extremism in the past several years—including at least 63 U.S. residents in 2015—actively used the internet to access propaganda or otherwise facilitate their extremist activity.

²⁴ https://www.adl.org/sites/default/files/documents/CR_5062_Domestic%20Islamic%20Extremism%20Report_vF1.pdf.

²⁵ <https://www.adl.org/blog/isis-supporters-distributes-series-of-articles-encouraging-lone-wolf-attacks>.

²⁶ <https://www.adl.org/blog/al-qaeda-latest-inspire-magazine-details-train-derail/operations>.

²⁷ <https://www.adl.org/education/resources/reports/dark-constant-rage-25-years-of-right-wing-terrorism-in-united-states>.

FUNDING CVE—AND THE NEED FOR A HOLISTIC APPROACH

Because modern technology has provided new fuel for extremists, including using “cyberhate” to attack marginalized groups on social media and coordinate terror attacks more easily, ADL supports properly crafted Countering Violent Extremism (“CVE”) programs. We believe an “all hands on deck” holistic approach is required to confront the sophisticated recruitment efforts employed by domestic extremist groups and by ISIS and other terror groups. Through the CVE program launched under President Obama, the Department of Homeland Security had administered Federal grants to nongovernmental organizations and higher-education institutions to carry out programs that counter the potential for violence from domestic terrorists and home-grown violent extremists.

In May, the League expressed concerns about press reports that the administration was proposing to cut funding for its CVE programs entirely.²⁸ And in June, ADL expressed concerns as DHS announced their 2017 2-year CVE funding grantees.²⁹ Funding for Life After Hate, a successful and in-demand program to deradicalize neo-Nazis, white supremacists, and others, was not renewed. *Politico* reported that, since Election Day, Life After Hate has seen a twenty-fold increase in requests for help “from people looking to disengage or bystanders/family members looking for help from someone they know.”³⁰ At a time when right-wing extremist groups are experiencing rising membership and expanding influence, we believe DHS must invest in community-based organizations that work to counter these groups.

In addition, the 2017 list of CVE grantees³¹ indicates a shift in funding focus away from community-based civil society organizations and toward law enforcement agencies. Police play a critical role, but we cannot enforce our way out of this problem. Community-based organizations must help lead this work. These groups are much more likely to have credibility and trust needed to reach the targets of extremists, which include many disaffected or vulnerable youth. The League called on DHS to clarify its funding criteria and demonstrate that it is committed to funding the full range of programs—domestic and international—designed to counter all forms of violent extremism.³²

Importantly, ADL has also strongly advised the administration against focusing its CVE program solely on extremism motivated by radical interpretation of Islam. We responded to press reports³³ that the administration wanted to change the name of the Government initiative from “Countering Violent Extremism” to “Countering Islamic Extremism” or “Countering Radical Islamic Extremism” by stating that such a change would be damaging to the American Muslim community and dangerously narrow.³⁴ Singling out Muslims and the American Muslim community for special scrutiny or suspicion is discriminatory, offensive, ineffective, and counterproductive. In fact, one essential focus of our Nation’s CVE programs should be to build trust within Muslim communities to reduce radicalism, not to further foster mistrust.

This is especially true now, because over the past few months, ADL and others have documented an objectionable, intensified level of anti-Muslim bigotry in a variety of public forums. For example, according to a recent Pew Research Center publication on Muslim Americans’ place in society,³⁵ nearly half of Muslims (48 percent) say they have experienced at least one form of discrimination over the past year. Of those whose appearance is identifiably Muslim, nearly two-thirds (64 percent) say they have experienced at least one of the specific types of discrimination asked about in the survey. Three-quarters (75 percent) of Muslim respondents say there is “a lot” of discrimination against Muslims in the United States, with Muslim women more likely than Muslim men to hold this view (83 percent versus 68 per-

²⁸ <https://www.adl.org/news/press-releases/adl-concerned-over-reports-of-trump-administration-proposing-to-cut-entire>.

²⁹ <https://www.adl.org/news/press-releases/adl-welcomes-homeland-security-grants-to-counter-terrorist-recruitment-and>.

³⁰ <http://www.politico.com/tipsheets/playbook/2017/06/23/what-mcconnell-is-thinking-winners-losers-in-gop-health-care-bill-obama-speaks-dawsey-download-wapo-trump-talks-russia-every-morning-pelosis-future-220996>.

³¹ <https://www.dhs.gov/cvegrants>.

³² <https://www.adl.org/news/press-releases/adl-welcomes-homeland-security-grants-to-counter-terrorist-recruitment-and>.

³³ <http://www.reuters.com/article/us-usa-trump-extremists-program-exclusiv-idUSKBN15G5VO>.

³⁴ <https://www.adl.org/news/press-releases/adl-limiting-scope-of-countering-violent-extremism-programs-places-nation-at>.

³⁵ <http://www.pewforum.org/2017/07/26/findings-from-pew-research-centers-2017-survey-of-us-muslims/>.

cent). These findings reinforce an ADL survey on anti-Semitism and anti-Muslim discrimination published this past year.³⁶ Our survey revealed that 89 percent of Muslim Americans are concerned about violence directed at them and Islamic institutions in the United States, and 64 percent said that they do not believe the Government is doing enough to ensure their safety. While most Muslims don't feel the need to hide their faith, 66 percent said they feel less safe in America since President Trump was elected.

Limiting CVE programs to only focus on Islamic extremism would not only isolate the Muslim American community, but would also exacerbate the problem of how little prevention-based programming right-wing extremists are receiving.³⁷ At a time when our research indicates that right-wing extremists are more visible and emboldened,³⁸ the Government should focus on all types of extremism, whether it comes from terrorists motivated by extreme interpretations of Islam or white supremacists.

RELATIONSHIP WITH THE TECH INDUSTRY

Over the past decade, the League has worked closely with the internet industry and they have been very responsive to information regarding terrorist and extremist exploitation of their platforms. Our relationship has led to increased successes in mitigating the exploitation of platforms by groups such as ISIS. In addition, working with industry officials, the League developed the ADL Cyber-Safety Action Guide,³⁹ a user-friendly on-line platform where consumers can learn how and where to report bigoted, bullying, or hateful speech to the major internet providers and social media platforms.

The League has also convened a Working Group on Cyberhate to develop recommendations for the most effective responses to manifestations of hate and bigotry on-line.⁴⁰ The Working Group includes representatives of the internet industry, civil society, the legal community, and academia. The Working Group input and guidance has been invaluable and is reflected in a set of Best Practices⁴¹ that provides useful and important guideposts for all those willing to join in the effort to address the challenge of cyber hate.

LEGISLATIVE AND ADMINISTRATIVE POLICY RECOMMENDATIONS

Bully Pulpit

- The President, cabinet officials, and Members of Congress must call out bigotry at every opportunity, especially when it comes from our public officials. The right to free speech is a core value, but the promotion of hate should be vehemently rejected. Simply put, you cannot say it enough: America is no place for hate.
- The administration must send loud, clear, and consistent messages that violent bigotry is unacceptable—and ensure that the FBI and the Civil Rights Division will enforce relevant Federal laws and vigorously investigate and prosecute hate crimes.

Improved Coordination

- The Department of Justice should host periodic interagency meetings to promote cross-agency collaboration and to address prevention of and response to extremism and hate violence. This initiative should involve both lead enforcement agencies and agencies working to expand anti-bias and hate crime prevention training and outreach—including Department of Education, Department of Homeland Security, the Federal Bureau of Investigation (FBI), and the Department of Health and Human Services (HHS).

³⁶ <https://www.adl.org/news/press-releases/in-first-new-adl-poll-finds-majority-of-americans-concerned-about-violence>.

³⁷ <http://time.com/4671901/donald-trump-extremism-terrorism-muslims/>.

³⁸ <https://www.adl.org/news/press-releases/adl-report-exposes-right-wing-terrorism-threat-in-the-us>.

³⁹ <http://www.adl.org/press-center/press-releases/discrimination-racism-bigotry/new-adl-platform-helps-consumers-take-action-against-internet-hate-speech.html#.Vi58MX6rTct>.

⁴⁰ For a comprehensive review of the League's work addressing the scourge of on-line anti-Semitism since pre-internet days—when dial-up bulletin boards were a prominent communications tool—see Report of the Anti-Defamation League on Confronting Cyberhate to the 5th Global Forum for Combating Anti-Semitism, May, 2015, http://www.adl.org/assets/pdf/combating-hate/ICCA-report-2015-With-hyperlinks-May-8-2015_final.pdf.

⁴¹ <http://www.adl.org/combating-hate/cyber-safety/best-practices/#.Vi58F36rTcs>.

Countering Violent Extremism

- The administration and Congress should do all in their power to promote trust and encourage stronger relationships to counter attempts by both international terrorist organizations and domestic hate groups to recruit disaffected or alienated Americans. The administration should fully resource and staff efforts at both security and non-security Executive branch agencies to implement programs aimed at preventing and intervening in the process of radicalization to violence. DHS should clarify its funding criteria and demonstrate that it is committed to funding the full range of programs—domestic and international—designed to counter all forms of violent extremism.⁴²

Improved Federal Hate Crime Data Collection

- DoJ should incentivize and encourage State and local law enforcement agencies to more comprehensively collect and report hate crimes data to the FBI, with special attention devoted to large underreporting law enforcement agencies that either have not participated in the FBI Hate Crime Statistics Act program at all or have incorrectly reported zero hate crimes.
- To create incentives for participation in the FBI's HCSA program, certain Department of Justice funds should only be made available to agencies that are demonstrating credible participation in the HCSA program. Whether a specific State or local law enforcement agency is participating in the HCSA program should be included in the rating and scoring criteria as applications for Justice Department funding are considered.
- The administration, DHS, and DoJ should take steps to ensure that it is efficient and safe for all crime victims to contact the police. If marginalized or targeted community members—including immigrants, people with disabilities, LGBT community members, Muslims, Arabs, Middle Easterners, South Asians, and people with limited language proficiency—cannot report, or do not feel safe reporting crimes, law enforcement cannot effectively address these crimes, thereby jeopardizing the safety of all.
- Congress should support Congressional legislation to improve hate crime data collection and reporting, such as the NO HATE ACT.⁴³
- In conjunction with the Department of Homeland Security, the Justice Department should comprehensively implement the implicit bias training initiative announced in June for all Federal law enforcement officials and Federal prosecutors.⁴⁴ The training should include how to recognize, investigate, and respond to hate crimes.

Improved Training on Campus

- In recent months, ADL Regional Directors and our Campus and Center on Extremism professionals have met with university administrators to tailor best practices for addressing white supremacist and other extremist rallies and outreach on campus. Our outreach is intended to ensure that administrators, faculty, staff, and students all understand that they have a direct responsibility to respond to hate speech and extremism—and that they have the resources, tools, and intervention strategies to do so most effectively.

CONCLUSION

Sixteen years after the September 11 terrorist attacks, we very much hope that these hearings—and any that come after them—will acknowledge and highlight the extraordinary, successful efforts of Federal, State, and local law enforcement officials to prevent and deter terrorism on our shores. But police and counterterrorism officials do not work in a vacuum; they cannot do their job without community relationships, cooperation, trust, and a shared sense of responsibility for public safety. ADL will continue to advocate—in Congress and in the courts—for law enforcement officials to have investigative tools sufficient to deter and prevent terrorism, while appropriately balancing National security and individual rights.

As the committee and Congress continue to examine the nature of the current threat to our Nation, the Anti-Defamation League hopes to play an on-going, helpful, and constructive role by offering its expertise in documenting the domestic and international terror threats from across the ideological spectrum, while urging Mem-

⁴² <https://www.adl.org/news/press-releases/adl-welcomes-homeland-security-grants-to-counter-terrorist-recruitment-and>.

⁴³ *H.R. 1566/S. 662* <https://www.Congress.gov/115/bills/hr1566/BILLS-115hr1566ih.pdf>.

⁴⁴ <https://www.justice.gov/opa/pr/department-justice-announces-new-department-wide-implicit-bias-training-personnel>.

bers of Congress and other public officials to make every effort to explore this serious issue without creating an atmosphere of blame and suspicion.

Sincerely,

JONATHAN A. GREENBLATT,
CEO.

ATTACHMENT.—SELECTED ADL RESOURCES ON HATE GROUPS, TERRORISM AND
EXTREMISM*

Mr. PAYNE. Thank you, sir.

I would just like to thank all the witnesses for their service to this Nation to this point. I am going to be very brief, because in the interest of time, I know we have another panel. But I just—and excuse me if this has already been answered, but I came in late. This, what is it, the black—what is this new term, black extremist radical—what is it?

Mr. WRAY. I believe the term you are reaching for there is there is a term, “black identity extremists,” which is an intelligence product that was—that I spent, you know, about 2 hours, I guess, discussing yesterday with some of your colleagues.

Mr. PAYNE. Right. Sorry I missed that. Could you give me a brief definition or an example of who would fall in that category?

Mr. WRAY. So the intelligence product in question refers to individuals who are committing violent criminal acts where the motivation is retaliation or retribution for injustices committed by law enforcement. So the focus is on law enforcement as victims in those situations.

Mr. PAYNE. OK. And you see growing incidents in this situation?

Mr. WRAY. The piece in question, which was issued right before I joined the FBI, was based on a snapshot in time over the course primarily of 2016, and that was what the FBI was seeing during that period.

Mr. PAYNE. OK. Thank you for that.

I would just like to ask the three, I am the Ranking Member on Emergency Preparedness, Response, and Communications, and I would like to just ask—I have done a lot of work around interoperability, and I know you are each a different entity. But how well—and your communication is probably pretty good on your level, but through your different departments, how is the communication between your different agencies?

Ms. DUKE. I think our communication is much better than it was when I was here before, and I think that is a lot to the centers of bringing these centers together where people are co-located. So it is not just the integration of systems. I think in the public sector, the FirstNet public safety network is going to be huge going forward. I do think we are working at DHS more on declassifying products earlier, so through our fusion centers and other tools, we can have better collaboration between Federal and State and local law enforcement. That is a major focus for us.

Mr. WRAY. I would agree that the technological part of the interoperability has improved significantly, although it can always get better. For us, and particularly on the FBI side, the Classified nature of so much of what we do does complicate our ability to communicate, less so with either of the folks here on the panel, but as

*The attached documents have been retained in committee files.

Elaine says, with the State and local law enforcement it can get complicated. Certainly with the private sector, which as we discussed on the cyber side, that presents some significant challenges.

Mr. PAYNE. OK. Yes, sir. Sir?

Mr. RASMUSSEN. The only thing I would add is that level of integration that probably wasn't there among the Federal agencies 10 or 12 or 15 years ago has in some ways been addressed, because at this point, so many of our senior leaders have served in each other's organizations over the last dozen years. Several of my senior leaders are veterans of the Department of Homeland Security. I have senior FBI personnel inside my organization and have—my personnel have served inside their organizations. That counts for a lot because it makes that integration much easier.

Mr. PAYNE. OK. Thank you.

Mr. Chairman, I am going to yield back real quick.

Chairman MCCAUL. The gentleman yields.

The gentlelady from Arizona, Ms. McSally.

Ms. MCSALLY. Thank you, Mr. Chairman. I thank you all for your patience.

Director Rasmussen, thanks for your service. I too agree that our country is safer because of your service.

Many vulnerabilities have been talked about today that radical Islamists, terrorists, can use and have used in order to hurt America, attack us and our citizens and our way of life. You and all the people on your teams are out there every single day on the front lines keeping us safe.

One of those vulnerabilities was just used 30 days ago, when Sayfullo Saipov killed 8 people and injured dozens in New York City on a bike path. He came from Uzbekistan and came through the visa lottery program. For those who are not familiar, this was created in 1995, specifically to help Irish immigrants. Since 2007, it is estimated 29,000 people from countries that sponsor terrorism—Syria, Sudan, Iran—have actually used this program to come to America. No other country that admits immigrants like we do—1 million a year, we are an immigrant-friendly country—has their visas handed out by chance. Not no other, but many others, like Canada, Australia, Austria, the United Kingdom, they don't have program like this. By chance and lottery, people can gain access to come into our country.

So my question, Director Duke—sorry, Acting Secretary Duke, is if he had come to the United States today, versus 10 years ago, what checks would he have encountered or how would it be different from the process he went through 10 years ago? Would the fact that he came from a country that has a history of terrorism impacted that?

Ms. DUKE. Yes, it would have. We also see that the diversity program is ripe for fraud. Today, it would be better, but we still agree with your sentiments on it isn't the best use of our immigration system.

What would be different is we have biographics, we have the ability to search social media, those type of things. But it is still one that would introduce risk.

Ms. MCSALLY. So I recently introduced legislation to eliminate the lottery, convert a portion of them to merit-based, which I be-

lieve is the right thing to do. President Trump has called for the elimination of this program. Acting Secretary Duke, do you agree with the elimination of this program?

Ms. DUKE. Yes, I support that.

Ms. MCSALLY. Great. Thank you.

I do want to change gears on another topic that is deeply troubling to me. I know we are in an Unclassified setting, but this is the MAVNI program. This is a program where non-green card holders, which traditionally we allow green card holders to serve in the military, but non-green card holders, starting in 2008, were allowed to start serving. It was supposed to be in specific critical career fields, like language and other things, to boost our National security. Unfortunately—I am on the Armed Services Committee, and so we have gotten multiple Classified briefings on this, and I know we can't speak in great detail in this setting. But unfortunately, it looks like the Army basically used this to meet its recruiting goals well beyond the intent. Many of these individuals were not vetted properly and many come from countries that are our adversaries with very sophisticated foreign intelligence operations, getting a fast track to citizenship in basic training before any vetting went on. I am deeply concerned about the impacts.

Now, I am sure there are many good people that served our country through this program, but the potential and the vulnerabilities have caused the DOD to halt this program. I am just—I am so concerned about the implications of those who were already in it and the fact that they were not vetted, and now they are U.S. citizens, so they clearly have Constitutional rights. So I just would like to hear all of your thoughts on were you aware of this program? What are we doing now to mitigate any of these vulnerabilities and these threats for those that have already been through it because of the buffoonery of what happened that is potentially impacting our National security?

Ms. DUKE. I am aware of the program and that it is suspended. DHS and I believe we have to vet every individual. We believe in a legal immigration system, but have to balance security and make sure we vet all persons coming into the United States, permanently or temporarily.

Ms. MCSALLY. Director Wray, in counterintelligence roles, is there any part that you are playing right now even to try and mitigate and address these potential threats?

Mr. WRAY. Well, we try to investigate wherever we can. We get intelligence about people of the sort you are describing and trying to pursue those and share that information working with our fellow colleagues in the interagency.

Ms. MCSALLY. So I would like to maybe follow up in a Classified setting with you as to whether there is any open investigation specifically related to this issue.

I do want to ask, Mr. Chairman, to insert into the record, we did write a letter together to USCIS and we have got the response here. I would like to put that in the record.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

LETTER SUBMITTED FOR THE RECORD BY HONORABLE MARTHA MCSALLY

September 5, 2017.

Mr. JAMES MCCAMENT,
Acting Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC 20008.

DEAR MR. MCCAMENT: We have concerns regarding the Military Accessions Vital to National Interest (MAVNI) program, which began as a Department of Defense (DOD) pilot program in 2009 to assist the U.S. military in filling certain specialized job categories determined to be vital to the national interest.¹

The United States has a proud history of honoring foreign-born individuals who serve in the military with expedited citizenship benefits. According to the United States Citizenship and Immigration Services (USCIS), between October 2001 and September 2015, the U.S. has naturalized 109,321 members of the military.² As you know, robust vetting is essential for all immigration programs, especially those involving the U.S. military where individuals may have access to specialized training and classified information.

According to media reports, the Department of Defense has enlisted over 10,000 non-U.S. citizens into the military since the MAVNI pilot started,³ the vast majority in the U.S. Army. Several recent media reports have raised concerns about security vetting for individuals in this program. It is our understanding that DOD suspended the program in September 2016 due to these security concerns.⁴ An excerpt from a memo reported to be from DOD states, "The previous execution of the MAVNI Pilot Program presents a significantly elevated risk to the Department from a CI/S and insider threat perspective, to include a considerable burden on limited intelligence assets."⁵ The memo further states that DOD is in the process of developing a replacement program.⁶

As the Government agency responsible for overseeing lawful immigration to the United States, USCIS played a vital role in ensuring that applicants in the MAVNI program were properly vetted prior to receiving naturalization benefits. Please respond to the following questions no later than October 5, 2017 (provide a classified annex if required to fully answer):

1. How many applications has USCIS received under the MAVNI program? Please provide a breakdown by country, year, and military service.
2. How many individuals became U.S. citizens through the MAVNI program? Please provide a breakdown by country, year, and military service.
3. How many MAVNI applicants are currently in deferred military entry status? Please provide a breakdown by country and military service. What is the immigration status of these individuals?
4. What is the average timeline from when a MAVNI applicant begins basic training to becoming a U.S. citizen?
5. How many MAVNI applications are pending?
6. How many MAVNI applicants were denied citizenship and what were the reasons for such denials?
7. What screening and vetting procedures does USCIS apply to MAVNI applicants?
8. Please provide detailed information on the scope of the screening USCIS conducted under this program, including whether the screening is limited to the background of the applicant since arriving in the U.S. or if it includes thorough

¹ U.S. Citizenship and Immigration Services. *Policy Alert: Department of Defense Military Accessions Vital to National Interest Program*. Found at <https://www.uscis.gov/policymanual/Updates/20160803-MAVNI.pdf>. Last accessed on August 2, 2016.

² U.S. Citizenship and Immigration Services. *Naturalization Through Military Service: Fact Sheet*. Found at <https://www.uscis.gov/news/fact-sheets/naturalization-through-military-service-fact-sheet>. Last accessed on August 3, 2017.

³ James Rosen, "Pentagon investigators find 'security risks' in government's immigrant recruitment program, 'infiltration' feared," *Fox News*, August 1, 2017, Found at <http://www.foxnews.com/politics/2017/08/01/pentagon-investigators-find-security-risks-in-government-immigrant-recruitment-program-infiltration-feared.html>. Last accessed on August 3, 2017.

⁴ Alex Horton, "Foreign-born recruits, promised citizenship by the Pentagon, flee the country to avoid deportation," *The Washington Post*, July 17, 2017, Found at https://www.washingtonpost.com/news/checkpoint/wp/2017/07/17/foreign-born-recruits-promised-citizenship-by-the-pentagon-flee-the-country-to-avoid-deportation/?tid=hybrid_collaborative_2-na&utm_term=.34d67cd4cb4a. Last accessed on August 2, 2017.

⁵ Agnes Constante, "Immigrant Military Recruits Wait in Limbo As Defense Program's Future Unclear," *NBC News*, July 31, 2017, Found at http://www.nbcnews.com/news/asia-america/immigrant-military-recruits-wait-limbo-defense-program-s-future-unclear-n787121?cid=sm_npd_nn_tw_ma. Last accessed on August 2, 2017.

⁶ Constante, supra note 5.

review of the applicant's background, affiliations, contacts, and activities prior to arrival in the U.S.?

9. Are foreign contacts of MAVNI applicants self-reported only or corroborated with other U.S. Government agency information?

10. Does USCIS conduct enhanced screening of MAVNI applicants from countries known to be hostile to the U.S. or known to conduct intelligence gathering activities on the U.S.? If yes, please provide details.

11. Did USCIS conduct in-person interviews with MAVNI applicants?

12. Did USCIS utilize any deception detection technology as part of the screening and vetting procedures?

13. The MAVNI program was intended to be limited to "certain health care professionals and foreign nationals fluent in certain foreign languages."⁷ However, it appears the Army specifically may have used MAVNI in a much broader way to meet recruiting goals in a wide array of careers. Does USCIS vetting include a review of the specialized skill the applicant is filling to ensure it is within the limits of the program?

14. To what extent has USCIS reviewed the immigration benefits awarded through the MAVNI program to determine if any derogatory information, including false statements or national security concerns, existed at the time of application and/or award that would be grounds for denying naturalization benefits? Have any benefits been revoked?

15. Is USCIS working with the DoD and other agencies to review previous MAVNI applicants who are now U.S. citizens to ensure that foreign intelligence agencies did not use MAVNI to infiltrate the U.S. military ranks as a way to access sensitive and classified information? What are the legal considerations of such a review due to constitutional rights of these now U.S. citizens?

16. Were any MAVNI applications referred to the USCIS Fraud Detection and National Security Directorate? If so, how many? Please provide a breakdown by country, year, and military service.

17. Please provide a copy of any agreements, communications, letters, or memorandum of understanding between USCIS, or another DHS entity, and DOD regarding the MAVNI program.

18. Are there other initiatives where other agencies or departments are able to offer expedited immigration benefits? If so, please list them and the corresponding statutory authority.

19. Is USCIS or another DHS element involved in DOD's development of a replacement to the MAVNI pilot? If yes, what is the status of these efforts?

20. Does the Department of Homeland Security employ any individuals naturalized through the MAVNI program?

Thank you in advance for your cooperation.

Sincerely,

MICHAEL T. MCCAUL,
Chair, Committee on Homeland Security.

MARTHA MCSALLY,
Chairman, Subcommittee on Border and Maritime Security.

Ms. MCSALLY. Director Rasmussen, any comments?

Mr. RASMUSSEN. The only thing I would add is I was not aware of particular vulnerability. One thing that I think might contribute to identifying potential sources of concern in this population is, depending on their status, some individuals now are subject to recurrent vetting, vetting that goes on long after they have been through the initial admission process. That changes, obviously, when they gain status as a citizen for the reasons you suggest. But it could mean that some members of this population are still subject to some vetting process.

Ms. MCSALLY. Thanks. I am over my time, but I would like to follow up in a Classified setting with all of you. Thank you.

Thank you, Mr. Chairman.

⁷U.S. Citizenship and Immigration Services. *USCIS Policy Manual, Volume 12—Citizenship & Naturalization, Part I—Military Members and their Families*. Found at <https://www.uscis.gov/policymanual/Print/PolicyManual-Volume12-PartI-Chapter3.html>. Last accessed on August 3, 2017.

Chairman MCCAUL. Let me just say I echo the gentlelady from Arizona's concerns. I am glad to hear this program is suspended. I met with the director of USCIS yesterday and encouraged him to get the Classified briefing on this program.

With that, the Chair recognizes the gentleman from Wisconsin, Mr. Gallagher.

Mr. GALLAGHER. Thank you, Mr. Chairman. I thank all of you for being here.

So we talked a lot about sort-of the evolving terrorist threat abroad. It does seem that ISIS is steadily losing territory in western Iraq and eastern Syria, which opens up an opportunity for us to exploit a lot of valuable intelligence on the battlefield in the form of biometrics, fingerprints, documents, media devices. This is vital that we collect it and then find a way to get that information to those outposts that are vetting people who want to come into this country: Visa applicants, refugees, asylees. Because in the past, we have had examples where people have come into the country who are tied to terrorist groups.

To what extent—I guess I would direct this to Acting Secretary Duke—to what extent do you think this battlefield information that is being captured by our military operators and other intel folks in the field being incorporated into your respective agency's operations and investigations?

Ms. DUKE. I think this is one of the areas that has improved most, to be honest with you. DHS is now an active member of the National Security Council, as is Director Rasmussen, and we get the same intelligence both before and after an incident. I think that counterterrorism efforts overseas lead by the Department of Defense are probably the area I have seen the most progress in.

Mr. RASMUSSEN. What I would add to that is that the battlefield intelligence of the sort that you are describing, Mr. Gallagher, is most useful to us when it contains specific identity intelligence, when we can learn names, dates of birth, passport numbers, identity documented information, and so that that can be used to feed our database of known and suspected terrorists. That is the intelligence database that all of Acting Secretary Duke's immigration programs is bouncing off of as they are making decisions and vetting potential admissions to the country. So the better, the richer, the deeper that database, the more likely it is we are going to have the information that will identify a potential bad actor.

It still is imperfect in that you can never have the totality of the information that you would want, but there is no question that what has happened in Iraq over the last several months has given us a wealth of new information that is helpful in this regard.

Mr. WRAY. I would just add that—and I agree with the sentiments that both of my co-panelists have expressed, but I would also add that the FBI has people forward-deployed with the military so that we are trying to collect biometric information wherever we can, and that has turned out to be very useful in some cases to identify people who are then returning or going elsewhere who weren't on people's lists, whether in the United States or in our foreign partners as well. I think going forward that is going to be another place where we can be more effective.

Mr. RASMUSSEN. Let me jump in on one other issue that has come up quite a bit in the hearing today. Much of what we have learned about terrorists potential use of UAVs or UAS devices as an aviation threat has been learned from what we have seen on the battlefield in Iraq. Rapid exploitation of that material, rapid sharing here in the homeland so that local law enforcement does know that there is a threat to a high school football game of the sort that we were talking about, a lot of that is derived directly from battlefield intelligence.

Mr. GALLAGHER. Well, it is heartening to hear that you all three seem to think it is headed in the right direction, though there is room for improvement. As a veteran of the NCTC ops center, and many a nights have we spent from 5 p.m. to 5 a.m. poring over those databases, so I am glad to hear your sentiments on that.

Acting Secretary Duke, I thank you for highlighting in your testimony the important work of the committee's Task Force on Denying Terrorists Entry Into the United States. As Chairman of that task force, I would also like to thank the Department for your cooperation while we have been conducting the review. We are looking forward to releasing the task force's final report in the near future. I look forward to working with all of you to implement its recommendations or shore up any areas that you don't think we paid enough focus to.

Earlier, you discussed how some of our foreign partners lacked the necessary capabilities to close gaps in their security and stop terrorist travel. This actually matches one of the key findings in our task force report, and some of the recommendations will focus on DHS's cooperation with our foreign partners.

Can you briefly describe some of the work DHS is currently doing with our foreign partners to address any overseas vulnerabilities that pose a threat to our homeland?

Ms. DUKE. Well, one of main areas is using systems that either we have and offered them to use that track people, that track known terrorists. What Director Rasmussen talked about, we have international partners feeding into that same known terrorist database. We think that that info sharing is No. 1. Additional documentation, having the right documentation with the biometrics. Actually, the other part is not only inputting, but using the databases to make their own determinations with the borders so open, especially in Europe. Those are a few of the areas.

Mr. GALLAGHER. I thank you.

I yield the balance of my time.

Chairman MCCAUL. The gentleman yields.

Before I close, I want to also share the concern, Secretary Duke, that you raised in your prepared testimony about the relationship potentially between transnational criminal organization and potential terrorists that could bring terrorists into the United States, but also weapons of mass destruction that we saw highlighted in *Dabiq* magazine, where they talk about the ease with which that could be accomplished. I think that that certainly raises a warning sign and I think demonstrates a need to get the borders secured.

I also want to thank Director Wray. I also share your concern about 702. As for me, this Member, this Chairman, I will be work-

ing closely with other like-minded Members to make sure that happens.

Director Rasmussen, this will be your last testimony before this committee. I just want to commend you on——

Mr. RASMUSSEN. This or any committee.

Chairman MCCAUL. Or any committee, hopefully. I just want to thank you for your service. You will be missed, but I know you will be close by.

I want to thank all three of you for your service and, most importantly, the men and women who serve in your organizations.

With that, this—we are going to take a brief break and then begin with our second panel.

[Recess.]

Chairman MCCAUL. The committee will come to order.

We have votes scheduled probably in about 5 to 10 minutes, so I am going to try to get through this as quickly as I can, and then we will come back after votes and start with our Q-and-A series.

I am pleased to welcome our second panel of witnesses on domestic terrorism. Our second panel includes Mr. David Rausch, the chief of police for the city of Knoxville, Tennessee; Rabbi Abraham Cooper, associate dean and director of the Global Social Action Agenda at the Simon Wiesenthal Center; and Mr. Richard Cohen, president of the Southern Poverty Law Center.

I want to thank all of you for being here today.

The Chair now recognizes Police Chief Rausch for his testimony.

STATEMENT OF DAVID B. RAUSCH, CHIEF OF POLICE, CITY OF KNOXVILLE, TENNESSEE

Chief RAUSCH. Good afternoon, Chairman McCaul. Thank you, Ranking Member Thompson, and Members of the committee. Thank you for the opportunity to speak with you today about world-wide threats, specifically, domestic terrorism and the threat posed by extremist groups.

My name is Chief David Rausch. I am currently the chief of police in Knoxville, Tennessee. I am also a member of the executive board of directors for the International Association of Chiefs of Police, and currently the general chair for the IACP Midsize Agencies Division, which represents agencies with 50 to 999 sworn officers.

The IACP is the world's largest association of law enforcement leaders with more than 30,000 members in 150 different countries. I have been fortunate to have been trained by the FBI in domestic and international terrorism, as well as participated in training at the U.S. Army War College, in addition to my over 28 years of experience in law enforcement.

Today's law enforcement officers face an incredible set of challenges. One of the many myriad of challenges we confront is how to best respond to planned rallies, spontaneous crowds, and civil disturbances by extremist groups, while balancing First Amendment rights. All too often, what may have been started as a peaceful demonstration can spawn protests and counter-protests that can lead to civil disorder.

Groups with varying social and political agendas that wish to express their concerns over war, abortion, environmental issues, policy decisions, and numerous other issues can and have sparked vio-

lent and even deadly actions and reactions. Most recently, we witnessed that in Charlottesville, Virginia.

A few short weeks after that incident, on August 26, we had a protest over a monument in Knoxville, and we used what we learned from Charlottesville, from Boston, and from Durham, North Carolina, to ensure a safe, peaceful gathering. Each of these cities were faced with the realities addressing Civil War statutes or monuments and free speech by groups known for hate.

I will share what we learned from those events, and I will discuss some of the challenges law enforcement faces when it comes to policing extremist groups and where we could benefit from assistance from the Federal Government.

Civil disturbances and demonstrations have changed over the years, as have the tactics and techniques of extremist groups that organize these protests and gatherings. Demonstrations in public protest have taken on a more systemic organized nature and have invoked tools that were not available in past decades. Social media is now commonly used to rapidly mobilize and manage participants prior to enduring demonstrations and civil disturbances. Communities—while some of the issues there, of course, are with the social media allowing the expression of hate in forms that we have noticed recently.

Law enforcement needs the assistance and cooperation of those who manage the social media mediums to monitor their sites and not allow them to be used for this purpose. The companies need protection from frivolous lawsuits that prevent them from taking needed action to do this. We need the ability to have those who are pushing a violent hate agenda to be held accountable for violence that results from their efforts.

Additionally, continued resources through the Department of Homeland Security and the Department of Justice in the form of community policing grants, safe streets funding, and other resources are vital for the continuation of being able to address these efforts to prevent and intervene violent extremists. It is vital that all levels of government and the private sector work together to identify and address individuals and organizations that are involved in violence and hate. This information needs to be provided immediately in real time to all who may be impacted, especially those who are responsible for the safety of our communities.

There should be no barriers to the sharing of information. Fusion centers have been effective at providing this information, but they are only as good as the information that they are provided or they learn through their efforts. The ability to gather intelligence information must not be hindered. We certainly understand the concerns of too much Government intrusion, but we can't allow this distrust of Government to allow those who seek to harm us to thrive. There can be appropriate intelligence gathering that is properly monitored to protect us all. We must ensure that we are watching and not allow those tools that law enforcement use to get taken away.

The ability of a local community to control events in their jurisdiction is vital. The power to require notice of an event to assess the level of concern for our communities is paramount. Permitting is a process that allows this to be done effectively. The process

gives local government the opportunity to appropriately protect all who wish to participate, or to make a decision to decline a permit based on factual concerns for the overall safety of a community.

A failure to obtain a permit should be reason to declare a gathering illegal. Permitting allows for clearer communication between the jurisdiction and the event organizers. Contact with leaders of a demonstration is important to gather information and establish ground rules for the event, in particular, nonnegotiable matters, with the intention that a common understanding be reached by both parties on the ground rules.

In our protest in Knoxville, it was advertised on social media. A local white supremacist group announced that they would be holding a support-the-monument rally at a Civil War monument that had been vandalized after Charlottesville. We were familiar with the group planning this, and they had gatherings previously. Then three other groups began organizing counter-protests against the white supremacist hate group. We were familiar with some of these groups. The support for the counter-protesters were substantially larger than the white supremacist hate groups.

Our intelligence unit began monitoring all the known problem groups in our area, and they were inciting each other by posing as members of the opposite group and making statements about the need for violence.

One of the counter-protest groups contacted us to request approval to conduct a march, and that was denied because of the recent events that we had seen in other locations. The support-the-monument group never sought a permit. They advised they were just going to meet at the monument, and then we decided to take control of that.

To me, these groups who gather to spew hate and violence now hide under the cloak of the First Amendment. We need to be able to delineate between exercising freedom of speech and violent behavior. Having the ability to put reasonable rules in place and control these gatherings is important.

I know I have gone over my time there, Mr. Chair. I will just tie it up just saying that we believe that there are a lot of tools that could be made available to us. As, you know, I am sure there will be some questions, I can get further into that.

[The prepared statement of Chief Rausch follows:]

PREPARED STATEMENT OF DAVID B. RAUSCH

NOVEMBER 30, 2017

Good afternoon Chairman McCaul, Ranking Member Thompson, and Members of the committee.

Thank you for the opportunity to speak with you today about world-wide threats—specifically domestic terrorism and the threat posed by extremist groups.

My name is Chief David Rausch am currently the chief of police of the Knoxville, Tennessee Police Department. I am also a member of the executive board of directors for the International Association of Chiefs of Police (IACP) and currently the general chair of the IACP Midsize Agencies Division, which represents agencies with 50 to 999 sworn officers. The IACP is the world's largest association of law enforcement leaders, with more than 30,000 members in 150 different countries.

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Today's law enforcement officers face an incredible set of challenges. One of the many myriad of challenges we confront is how to best respond to planned rallies, spontaneous crowds, and civil disturbances by extremist groups while balancing First Amendment rights.

All too often, what may have been started as a peaceful demonstration can spawn protests and counter protests that can lead to civil disorder. Groups with varying social or political agendas that wish to express their concerns over war, abortion, environmental issues, policy decisions, and numerous other issues can and have sparked violent—even deadly—actions and reactions. Most recently, we witnessed this occur in Charlottesville, Virginia.

A few short weeks after that incident, on August 26 we had a protest over a monument in Knoxville and we used what we learned from Charlottesville, Boston, Durham, North Carolina to assure a safe peaceful gathering. Each of these cities were faced with rallies addressing civil war statues or monuments and “free speech” by groups known for hate. I will share what we learned from those events and I will discuss some of the challenges law enforcement faces when it comes to policing extremist groups, and where we could benefit from assistance from the Federal Government.

RECRUITMENT AND ORGANIZATION

Civil disturbances and demonstrations have changed over the years, as have the tactics and techniques of the extremist groups that organize these protests and gatherings. Demonstrations and public protests have taken on a more systemic, organized nature and have invoked tools that were not available in past decades. Social media is now commonly used to rapidly mobilize and manage participants prior to and during demonstrations and civil disturbances.

Social media and the internet provide extremists with an unprecedented ability to spread hate and recruit followers, similar to what we have witnessed with terrorist organizations. Individual racists and organized hate groups now have the power to reach a global audience of millions and to communicate among like-minded individuals easily, inexpensively, and anonymously. Equally troubling, internet users, particularly young people, have never been more exposed and vulnerable to the efforts of these extremists to influence, recruit, and intimidate. Moreover, there is significant evidence that the internet is playing an increasing role in facilitating self-radicalization.

Combating Violent Extremism is an effort led by the CVE Task Force which is made up of the Department of Homeland Security in collaboration with the Department of Justice, the Department of State, Department of Defense, Department of Education, Department of Health and Human Services, Department of Labor, as well as the Federal Bureau of Investigation, U.S. Agency for International Development, and the National Counterterrorism Center. Model efforts for how to engage communities to prevent radicalization and recruitment are collected and shared by this group. Partnering with State and local law enforcement is a key to the effort, specifically those utilizing community policing strategies. Successful prevention efforts have included a mix of positive community engagement and early identification of potential recruiters and recruits.

Communities rely on education through classrooms, faith organizations, and the media. Educating parents and youth on the efforts and dangers of these hate organizations and ideologies is a core prevention effort. Expressing the dangers of these groups and their bullying behaviors is key. There needs to be an understanding that radicalization is not just about religion, it's about beliefs. Relationships between the community and law enforcement must continue to be built and managed. Currently, hate has the stage. It is getting all the attention. It has a megaphone and is being allowed to spew in many forms taking advantage of divisions that have been created. This does not have to be the case. The vast majority of Americans believe and know that we are all more alike than we are different and that we accomplish things in this country working together.

Law enforcement needs the assistance and cooperation of those who manage the social media mediums to monitor their sites and not allow them to be used for this purpose. These companies need protection from frivolous lawsuits that prevent them from taking needed action to do this. We need the ability to have those who are pushing a violent hate agenda to be held accountable for violence that results from their efforts. Law enforcement also needs the assistance of those in our community who learn of or know individuals who are engaged in these violent hate agendas to report them to us, so that we can do our jobs to protect our neighbors.

Additionally, continued resources through the Department of Homeland Security and the Department of Justice in the form of Community Policing Grants, Safe

Streets funding, and other resources are vital for the continuation of being able to address these efforts to prevent and intervene violent extremists.

PRE-EVENT INTELLIGENCE GATHERING AND MANAGEMENT

It is vital that all levels of Government and the private sector work together to identify and address individuals and organizations that are involved in violence and hate. This information needs to be provided immediately in real time to all who may be impacted, especially those who are responsible for the safety of our communities. There should be no barriers to the sharing of this information. Fusion Centers have been effective at providing this information, but they are only as good as the information that they are provided or they learn through their efforts.

The ability to gather intelligence information must not be hindered. We certainly understand the concerns of too much Government intrusion, but we can't allow this distrust of Government to allow those who seek to harm us to thrive. There can be appropriate intelligence gathering that is properly monitored to protect all of us. We must assure that we are watching and not allow the tools that law enforcement uses to be taken away.

The ability of a local community to control events in their jurisdiction is vital. The power to require notice of an event to assess the level of concern for a community is paramount. Permitting is a process that allows this to be done effectively. The process gives the local government that opportunity to appropriately protect all who wish to participate or to make a decision to decline a permit based on factual concerns for the overall safety of a community. A failure to obtain a permit should be reason to declare a gathering illegal and assure that everyone is made aware and given an opportunity to disperse before any other course of action. Permitting allows for clear communication between the jurisdiction and the event organizers. Contact with leaders of a demonstration is important to gather information and establish ground rules for the event. In particular, non-negotiable matters, with the intention that a common understanding be reached by both parties on the ground rules.

A new challenge to this process is that groups are organizing on social media sites and have no real leaders and are just gathering to express their concerns. Many having the same ideology of hate. These should be addressed as an illegal gathering.

In our protest in Knoxville, it was advertised on social media. A local white supremacist group announced that they would be holding a "support the monument" rally at a Civil War Memorial Monument that was placed to remember 813 Confederate soldiers who were killed in the Battle of Fort Sanders that has been vandalized after the Charlottesville protest. We were familiar with the group planning this, as they had conducted gatherings in the past. Then three groups began organizing a counter protest against the white supremacist hate group. We were familiar with some of these groups. The support for the counter protestors was substantially larger than the white supremacist hate group. We monitored the on-line activities of these groups, as well as hate groups on both sides that were planning to attend. Our Intelligence Unit began monitoring all of the known problem groups in our area as well. They were inciting each other by posing as members of the opposite group and making statements about the need for violence.

One of the counter protest groups contacted us to request approval to conduct a march to the site on a State Route that is a main route through the University of Tennessee. They advised that they would have 2,000 participants. Because of the concerns of what we had seen from recent events in other jurisdictions and the fact that this is a major route in our city, we denied the request and advised the organizer that if they marched that they would have to do so on the sidewalks and follow all laws. The "support the monument" group never sought a permit. They advised that they were just going to gather around the monument on the sidewalk. We decided that we would take control of the area and set the rules to avoid any possible violence.

BALANCING FREEDOM OF SPEECH WITH PUBLIC SAFETY

All persons in the United States have the right to march, demonstrate, protest, or undertake similar activities protected under the First Amendment to the United States Constitution. Freedom of speech, association, assembly, and the right to petition the Government are subject only to reasonable restrictions on the time, place, and manner of their expression. The content of the speech or message does not provide the basis for imposing limitations on these rights. Law enforcement has the difficult task of maintaining the peace during incidents, while also protecting the rights of assembly and free speech guaranteed by the U.S. Constitution.

The challenging part for law enforcement is we must protect groups that we may not agree with. We must protect groups that oppose us and have ideas that are counter to ours. But, our oath requires us to protect the rights of everyone.

Too many of these groups who gather to spew hate and violence now hide under the cloak of the First Amendment. We need to be able to delineate between exercising freedom of speech and violent behavior. Having the ability to put reasonable rules in place to control these gatherings is important. Not allowing individuals to bring items that can be used as weapons, including sticks, bats, bottles of urine, frozen water bottles, bricks, rocks, helmets, shields, face coverings and masks, provides the ability to prevent violence from happening. These are all tools of intimidation and attack. Protests are emotionally charged events with people who are passionate about their cause. They are events that extremists take advantage of to push their violent agendas. Jurisdictions need the ability to control these events and set reasonable rules to avoid dangerous conditions. Even in the jurisdictions where firearms are allowed to be carried openly or with a permit, the ability to ban them at these events is necessary. Again, the emotional aspect of these gatherings calls for the ability to regulate them to assure the safety of all involved, including law enforcement.

After watching video from the protests in Charlottesville, Boston, and Durham we decided that we would put reasonable rules in place for the area of the protest. These included prohibiting all items that could be used as weapons, no face coverings, and no masks. Because we decided to control the area we were also able to prohibit firearms, even by those who had carry permits, as a new State law set the rules for this and we set up the area to meet the requirements. This set the stage to prevent potentially violent situations from happening. We also communicated this information in advance of the event to assure that those who would gather knew the rules as well as those in the community who lived and worked in the area knew what steps were being taken to keep the area safe.

TOOLS AND PROCEDURES FOR SUCCESS

Some of the key elements that proved successful for our event was to take control of the area early to prevent either side from taking control of the area before law enforcement. Because of the new threat of vehicle-borne attacks we utilized heavy equipment trucks from our Public Service Department to cut access to the area from all streets. We set up physical barriers, "cattle racks", to separate the areas where the two sides would be allowed and the center of the street to be controlled by law enforcement. We set up the entrances on each side of the area for a search of all who entered. We had law enforcement on the outside of the controlled area watching over both sides as well as law enforcement inside both areas. Riot Control teams in full gear were on the inside between the two sides.

The planning and preparation consisted of utilizing all available resources on the local, State, and Federal levels. Additional resources were necessary and were obtained from several agencies including other local and State law enforcement and emergency services. In our event we utilized the city law department, communications department, service department, fire department, emergency management, sheriff's office, a nearby local police department, Tennessee Highway Patrol, Tennessee Emergency Management Agency, Tennessee Bureau of Investigation, and worked with the Federal Bureau of Investigation on intelligence gathering.

Current laws mostly provide what is needed to conduct these events and hold persons accountable. Laws addressing domestic terrorism and hate crimes exist. Some thought should be put into making hate crimes as an enhancement to the original crimes as there are challenges with proving hate in some situations as the primary offense. Most prosecutors will tell you that they will charge the primary crime of assault, vandalism, etc. as they find it difficult to prove the motivation for the crime at times. If they could get the verdict for the crime and then use the motivation of hate to enhance the punishment it may be more effective. Consideration should be made for passing laws regulating protests and the costs associated with them. These events are very expensive to communities. I realize that there are challenges with determining who pays when most of these events are not organized by a specific group or person. California recently passed a State law to limit what can be carried during a protest and should be considered as an example of what other States may want to accomplish.

LEGISLATIVE, POLICY, AND ACTION RECOMMENDATIONS

Provide Federal Program and Funding Assistance

- *Training.*—Law enforcement officers need training to mitigate and to de-escalate these events.

- *Equipment*.—Law enforcement needs funding for equipment to help respond and manage these events. Equipment such as protective gear, cameras, and radios not only help to keep officers safe but also allow them the ability to keep the public safe.
- *Specialized Units and Task Forces*.—Funding to create specialized units or to help agencies team up to develop multi-agency task forces.
- *Fusion Centers and Information Sharing*.—Fusion centers play a unique role in protecting their communities, informing decision making, and enhancing information-sharing activities among law enforcement and homeland security partners. Federal support is needed to fund these fusion centers.
- *Intelligence Gathering*.—Those of us who are charged with protecting the public aren't always able to access the evidence needed to prosecute crimes and prevent acts of terror. Social media is a particularly difficult challenge for law enforcement. Law enforcement needs, wherever possible, assistance from Congress in ensuring that social media providers are both willing and able to share necessary information that would help protect our communities and citizens. Law enforcement simply needs to be able to lawfully access information that has been duly authorized by a court in the limited circumstances prescribed in specific court orders.

Speak Out Against Hate

The President, Members of Congress, State and local elected officials all need to condemn acts of bigotry every chance they can. As elected officials, you hold important roles, and the Nation and your communities want to hear from you. Use your role to speak out against the hateful incidents that are plaguing our communities and send a message that these acts will not be tolerated. All of us, law enforcement included, must work together to put an end to hate and tensions are brewing.

CONCLUSION

On behalf of the IACP, I conclude by thanking you again for the opportunity to appear before you today. I would be happy to answer any questions you may have.

Chairman MCCAUL. I appreciate it, Chief Rausch. Your full statement will be included in the record.

The Chair now recognizes Rabbi Cooper.

STATEMENT OF RABBI ABRAHAM COOPER, ASSOCIATE DEAN, DIRECTOR, GLOBAL SOCIAL ACTION AGENDA, SIMON WIESENTHAL CENTER

Rabbi COOPER. Thank you, Chairman. Thank you, Ranking Member Thompson and the rest of the distinguished Members of Congress.

I want to thank you for allowing us to be here on behalf of our 400,000 constituents of the Simon Wiesenthal Center. We are named first in honor and now in memory of Simon Wiesenthal, the great Nazi hunter who lost 89 members of his family during World War II. When he was liberated by U.S. troops at Mauthausen, he was too weak to stand and embrace his liberators. He dedicated the rest of his life seeking justice and not vengeance. Brought 1,100 of the perpetrators before the bar of justice and changed the way civilization looked at the responsibilities of dealing with the crimes of genocide. He warned, "I know that the hate did not die with Hitler in the Berlin bunker." Tragically, how right he proved to be.

Before I go on, I just think this is also an appropriate moment to thank your father, Mr. Chairman, who I learned from you flew 32 missions over Europe, participated in D-Day, representing the greatest generation. It might be a little bit late, but it is the appropriate time to say thank you.

The threats of extreme anti-Semitism in the United States in our time trace back to the 1980's. The small but extremely violent order assassinated Denver talk show host, Alan Berg, in 1984, and

planned to foment a race war in our country. Neo-Nazi, skinhead, and militia movements in the late 1980's and 1990's often combined white separatist doctrine with anti-Jewish theory and practice.

It has already been 30 years, but anti-Jewish hate crimes forced many Jewish institutions across our country to undertake costly security measures to protect people at prayer and kids at school. For a generation, Jews attending synagogue services or dropping their children off at a school have accepted the necessity of having guards, often armed, security cameras, and other paraphernalia. Annual FBI stats prove that it is not paranoia. Jews, unfortunately, every year are the No. 1 target of religion-based hate crimes. I would add that African Americans, unfortunately, every year are the No. 1 continuing target of race-based hate crimes.

In 1999, Buford Furrow, trained in William Pierce and Tom Metzger's doctrine of leaderless resistance, came down to Los Angeles with the plan to attack our Museum of Tolerance. He landed up using a softer target, which was a Jewish summer day camp. Children as young as 6 years old were shot before he murdered a Filipino-American U.S. Postal Service employee. Two years later, 9/11 changed our world forever. It is one of the reasons we are here today.

Against this backdrop, earlier this year, there were over 120 bomb threats made to—against Jewish community centers across our country. These threats evoke painful memories of earlier deadly attacks at JCCs, including Granada Hills, California; Seattle, Washington; and Overland, Kansas. Thousands of young families, including a young colleague of mine at the Wiesenthal Center, were deeply traumatized as their 4- and 5-year-olds were suddenly and hurriedly evacuated from their classrooms.

Despite strenuous efforts in Federal and local law enforcement, for which we are incredibly grateful, it took months to identify the main culprit of these threats of domestic terrorism. The majority of those threats emanated not from here, but from overseas, and traced back to one young suspect in Israel.

But 2017 has witnessed more than bomb threats. It was a year where the oldest hate manifested on too many of our Nation's campuses, were delivered to our personal emails, and spouted from pulpits of religious leaders.

The sources? Extremist elements of the new alt-right, self-proclaimed white nationalists and outright Nazis, theologically fueled and validated Islamist hate rhetoric, extreme anti-Israel campaigns on campus that demonize the Jewish State and her Zionist supporters.

What has changed? Well, we heard a phenomenal panel before detail in—great professionals—the internet. The internet is used to incubate and validate hate, to inspire and empower, and even train lone-wolf attackers. It has created new global relationships among extremists unimaginable 20 years ago. It offers anonymity.

We saw that the new generation of young Nazis were able to utilize Charlottesville in a way to capture National and global attention by staging Nazi-like torch light parades and uploading video in real-time via social media with little or no consequences to the perpetrators.

I want to go directly to the fact that, a few weeks ago, we participated in hearings at the House Judiciary Committee, which was considering undertaking some steps to help Jewish kids endangered on campus. Unfortunately, to this point, a bill which passed 100 to nothing in the Senate, is still being held up by Chairman Goodlatte. As a result, the U.S. Department of Education has not adjudicated a single case involving anti-Semitism in the United States against students on campus.

Then the Islamist rhetoric attacks, such as the one in Davis, California, in which people have used religious pulpits in order to call for genocide against the Jewish community. I am a Rabbi, so I am very sensitive to the fact that we don't want to curtail either the First Amendment or tell religious leaders what they should do. But I am also a sports fan and I believe in a level playing field.

The kind of rhetoric that has been used to attack our community and Christians by certain Islamist personalities, imams in our country, has simply not elicited the kind of response that the Muslim leadership in this country should show, especially since the American Muslims themselves have suffered a spike in hate crimes targeting them in the last year.

Finally, is there a role for DHS? I am aware that DHS's role in combating domestic terrorism and anti-Semitism is secondary to that of the DOJ and FBI. I am also aware that DHS's role is not to dictate policies that would hold extremists accountable for their acts.

Nonetheless, DHS was born in wake of the brutal lessons wrought from the ashes and agony of 9/11. We learned as a Nation that America had to move to correct serious flaws in our fundamental approach to securing our Nation from ever-morphing multiple threats. It is our view that local hate crime units, State homeland security, and relevant Federal agencies must be able to quickly update and expand their understandings of extremist ideologies from the far right to the extreme left. That would actually help them better understand the raw intelligence that comes their way.

The Simon Wiesenthal Center is urging the committee, and through you, Mr. Chairman and the Ranking Member, to consider ways to enable the homeland security operation to be able to intake from NGO's, human rights advocates, and other community-based groups throughout the United States with the kind of information which I think would better help the brilliant and committed people we have heard who deal with materials we will never see. But by virtue of the fact that the Wiesenthal Center looks only at open-source material, sometimes we can provide a little bit of perspective, since we are not doing industrial phishing. We actually do it the old-fashioned way.

So it is our hope that together with all of the other organizations and those who were not able to attend here today, would be given an opportunity to have a platform where the agencies that we heard from earlier today and the other relevant groups, probably through fusion centers, would be able to have access to the kinds of perspective information that we would like to share with them. Thank you.

[The prepared statement of Rabbi Cooper follows:]

PREPARED STATEMENT OF RABBI ABRAHAM COOPER

NOVEMBER 30, 2017

Thank you for the opportunity to represent the 400,000 constituent families of the Simon Wiesenthal Center at today's House Homeland Security Committee hearings. Now in our 40th year, our Center is named in honor of and inspired by the legacy of Simon Wiesenthal, the late Nazi hunter. He lost 89 members of his family during the Nazi Holocaust. When U.S. forces entered Mauthausen Concentration Camp, Simon weighed under 90 pounds and was too weak to even stand to embrace the liberating American GIs.

He dedicated the rest of his life seeking justice, not vengeance and succeeded in bringing Nazi War Criminals before the bar of justice, helping to bring 1,100 to trial and ensuring a largely uncaring world would not be allowed to forget the victims or the perpetrators of the Nazi Genocide. And when he bestowed his good name on our institution he warned, "I know that hate did not die with Hitler in the Berlin Bunker."

How right he proved to be. The threats of extreme anti-Semitism in the United States in our time trace back to the 1980's. The small but extremely violent order assassinated Denver talk show host Allen Berg in 1984, and planned to foment a race war in America. Assorted Neo-Nazi, skinhead, and Militia movements of the late 1980's and 1990's often combined white separatist doctrine with anti-Jewish theory and practice.

Decades ago, anti-Jewish hate crimes forced many Jewish institutions across the Nation to undertake costly security measures to protect people at prayer and kids in school. For a generation, Jews attending synagogue services or dropping their children off at a Jewish School, have accepted the necessity of having guards—often armed—security cameras and other paraphernalia. Annual FBI stats prove that it's not paranoia—Jews every year are the No. 1 target of religion-based hate crimes.

Indeed, in 1999, Buford O. Furrow, trained in William L. Pierce's and Tom Metzger's doctrine of "leaderless resistance" to the ZOG or so-called "Zionist Organized Government, journeyed from the white separatist Aryan Nations Compound in Idaho to Los Angeles. There, he intended to assault the Simon Wiesenthal Center Museum of Tolerance, to "send a message to the Jews," but settled for a softer target at a Jewish Community Center day camp where he shot children as young as 6 before murdering a Filipino-American U.S. postal Service employee.

Two years later, 9/11 changed our world forever.

Against this background, earlier this year there were over 100 bomb threats made against Jewish Community Centers, home to many pre-schools and kindergartens. These threats evoked painful memories of earlier deadly attacks at JCC's, including in Granada Hills, California (1999) Seattle, Washington (2006), and Overland, Kansas (2014). Thousands of families—including a young colleague of mine at the Simon Wiesenthal Center were deeply traumatized as their 5-year-olds were suddenly and hurriedly evacuated from their classrooms. Despite strenuous efforts of Federal and local law enforcement—for which we are incredibly grateful—it took months to identify the main culprit of these "threats of domestic terrorism." The majority of the threats emanated from overseas, eventually traced to one young suspect in Israel.

Coupled with attacks against Jewish cemeteries in Missouri, Pennsylvania, and elsewhere, many of our communities further expanded their security measures.

But 2017 witnessed more than bomb threats. It was a year where history's oldest hate manifested on our too many of our Nation's campuses, were delivered to our personal emails, and spouted from pulpits of religious leaders.

The sources? Extremist elements of the new alt-right, self-proclaimed white nationalists and outright Nazis; theologically-fueled and validated Islamist hate rhetoric; extreme anti-Israel campaigns on campuses that demonize the Jewish State and her Zionist supporters.

WHAT HAS CHANGED IN 2017?

The internet—it's used to incubate and validate hate; to inspire, empower, and even train lone-wolf attackers; it creates new global relationships among extremists unimaginable 20 years ago. It offers anonymity and encryption for evil-doers and largely renders the targets of hate virtually helpless from a tsunami of personalized screeds and threats.

Gone are the days when neo-Nazis were relegated to leafleting car windshields. No need to hide mailing of hate propaganda in non-descript brown paper. The new generation of extreme far-right racists are tech-savvy. Perhaps inspired by the success of European xenophobes and bigots, they have succeeded in penetrating the mainstream of culture, adopting new vocabularies, and project a sleek and sophisti-

cated on-line presence. They market everything from T-shirts to hate music to impressionable young people.

Recently they have dropped the still-taboo swastika for sunwheel or runes—symbols deployed by racists across Europe. Other times their sophisticated on-line skills are on horrific display when Jewish reporters are pummeled with hundreds of personalized anti-Semitic attacks delivered to the victim via email or Twitter for the “crime” of reporting the news or writing op-eds.

The new generation of Nazis also showed in Charlottesville that they can capture National and global attention by staging Nazi-like torchlight parades—and uploading video in real time, via social media, with little or no consequence to the perpetrators.

*CAMPUSES HAVE CHANGED

In the past several years, Jewish students on a large number of college campuses have been subjected to unprecedented levels of anti-Jewish sentiment, leading many to feel uncomfortable participating in Jewish campus life or other campus activities whose participants are especially hostile to Jewish students.

Jewish students can't table for their organizations at student events fairs without being physically surrounded and shouted down by extremist anti-Semitic campus organizations.

They can't bring speakers to school like every other students group and gender, racial, and ethnic group can, because the speakers will be heckled into silence.

They're often reluctant to run for student government at some schools because they've seen the numerous times in just the past few years that Jewish students have been called out because they are Jews and often excluded from student government expressly due to their involvement in Jewish life on campus.

These incidents of hate and intimidation are wide-spread and impact on campuses with large and small Jewish constituencies. They impact on Jewish support groups like Hillel and Jewish fraternity members of AEP1.

These problems are too often compounded by University administrators who have been tolerating a level of harassment and intimidation of Jewish students that they would never dream of allowing against other demographic groups, because they know there are no consequences.

The failure of schools and the Federal Government to protect Jewish students on campus from harassment has become a long-standing scandal and one of the most pressing issues in the American Jewish community.

That is why the Simon Wiesenthal Center and every mainstream, credible Jewish organization in the Nation came together last year to demand equal protection under the law for Jewish students. And that is why the U.S. Senate passed our bill unanimously, but unfortunately your distinguished colleague, Congressman Goodlatte, Chair of the House Judiciary Committee, has refused to allow the bill to be voted on.

In my home State of California: A rock hurled at a student wearing a T-shirt saying “Everybody loves a Jewish boy” as he passed by an anti-Israel display; a female Jewish student stalked by anti-Israel activists and taunted with the words “slut” and “whore,” and other Jewish students called “dirty Jew,” “f**ing Jew” and told to “go back to Russia” and “burn in Hell”; three Jewish female students assaulted and injured when a mob of anti-Israel activists stormed through a pro-Israel event.

These are just a few of the anti-Semitic incidents reported at the University of California, but they are not unique to that school. Jewish students on many campuses from coast to coast report severe, persistent, and pervasive harms at the hands of anti-Israel activists. The harassment includes physical and verbal assaults, destruction of property, bullying and intimidation, denigration, discrimination, and suppression of speech and often takes place regardless of the victim's personal feelings on Israel. Jewish students report fearing displaying their Jewish star necklaces, wearing their Jewish sorority or fraternity letters and walking to Hillel for Sabbath dinner.

The problem had become so severe that at the University of California, for example, in 2011, then President Mark Yudof, commissioned a fact-finding team to interview Jewish students on seven UC campuses in order to objectively assess the campus climate for them. According to the team's report, Jewish students were indeed “confronting significant and difficult climate issues as a result of activities on campus which focused on Israel, its right to exist and its treatment of Palestinians.” The team found that on every UC campus they visited Jewish students “described an environment in which they feel isolated and many times harassed and intimidated by students, faculty, and outsiders.”

As the University of California Board of Regents explained in its landmark *Statement of Principles Against Intolerance*, historic manifestations of anti-Semitism have changed over time and “expression of anti-Semitism are more coded and difficult to identify. In particular, opposition to Zionism often is expressed in ways that are not simply statements of disagreement over politics and policy, but also assertions of prejudice and intolerance toward Jewish people and culture.”

Despite the undeniably hostile environment that many Jewish students were experiencing at the University of California, complaints filed under Title VI of the 1964 Civil Rights Act on behalf of Jewish students on three UC campuses—Irvine, Santa Cruz, and Berkeley—were unceremoniously dismissed on the same day in August 2013.

And UC’s Jewish students are not alone. In the dozen years since the Department of Education’s Office for Civil Rights (OCR) committed to investigating anti-Semitism under Title VI, OCR has not found a single civil rights violation in any claim filed on behalf of Jewish students on college or university campuses.

Bottom line—again, little or no consequences for anti-Semitism on campus.

ISLAMIST ATTACKS

Tragically, some of the most vile and threatening anti-Jewish rhetoric in 2017 has been delivered from within the American Muslim community, that itself has suffered an increase in hate crimes in 2016. From campuses in Tennessee to pulpits in our Nation’s most populist State, California. Such “sermons” failed to elicit much protest from within the Muslim community, nor to the best of our knowledge, have generated any serious action by authorities—local, State, or Federal—despite the explicit calls for violence and worse, made against Jews by such individuals.

IS THERE A ROLE FOR DHS?

Mr. Chairman, I am aware that the DHS’s role in combating domestic terrorism and anti-Semitism is secondary to that of the DOJ and FBI.

I am also aware that DHS is not in a position to dictate policies that would hold extremists accountable for their anti-Semitic acts.

Nonetheless, the DHS was born in wake of the brutal lessons wrought from ashes and agony of 9/11. We learned as a Nation that America had to move to correct serious flaws in our fundamental approach to securing our Nation from ever-morphing, multiple threats.

The Simon Wiesenthal Center, through its *Digital Terrorism and Hate Project* and *Tools for Tolerance* law enforcement training is keenly aware of the continuing important contributions that fusion centers are playing in ensuring that relevant intelligence and other information, reaches in a timely fashion, the appropriate agency or agencies dedicated to keeping the homeland and our citizens safe.

As we look at the growing threats from extremists across the full spectrum of our society, it is clear that in a world increasingly dominated by the internet and especially social media, National borders mean less and less in the transmission of the viruses of hate and terrorism.

It is our view that local hate crimes units, State homeland security and relevant Federal agencies must be able to quickly update expand their understanding of extremist ideologies—from the far right to the extreme left. This includes identifying the new generation of extremist leaders overseas and the increasing interaction between U.S.-based extremists and like-minded individuals and groups beyond our shores. Looking for who or what motivates or “trains” a U.S.-based “lone wolf” seeking to target fellow Americans, could often lead to individuals or groups beyond our borders.

The DHS, through the already-established fusion centers could provide effective platforms to educate all relevant agencies on the changing nature of, and threats, from extremist groups.

Mr. Chairman we still await the appointment of a new State Department Special Envoy on anti-Semitism. Assuming that U.S. Secretary of State Tillerson finally appoints someone for that task and fully funds that office, the State Department could produce valuable real-time updates as well overviews of anti-Semitic activities around the world that often inspire anti-Semitic activity in the United States.

The Simon Wiesenthal Center and other Jewish NGO’s are willing and able to offer real-time information and perspective, but we need a serious address. It is our hope that this committee under your guidance Mr. Chairman, could provide the leadership to make it happen.

ADDITIONAL SELECTED ARTICLES ON RECENT ANTI-SEMITIC INCIDENTS ON
MAJOR U.S. CAMPUSES

1. Rutgers (<http://www.mycentraljersey.com/story/news/local/2017/10/26/rutgers-michael-chikindas-anti-semitic/801989001/>)
2. Cornell (<http://cornellsun.com/2017/10/23/anti-semitic-posters-appear-on-campus-advertising-apparently-fake-hate-group/>)
3. Colorado State (<https://collegian.com/2017/10/csu-jewish-community-marches-against-anti-semitism-incidents-on-campus/>)
4. UC Berkeley (<http://www.dailycal.org/2017/10/25/editors-note-regarding-editorial-cartoon-depicting-alan-dershowitz/>)
5. University of Houston (<https://www.algemeiner.com/2017/09/17/antisemitic-fliers-found-at-university-of-houston-as-neo-nazis-continue-college-recruitment-efforts/>)
6. Others (<http://www.thejewishstar.com/stories/fresh-wave-of-anti-semitism-hits-campuses,14506>)
7. https://www.washingtonpost.com/news/acts-of-faith/wp/2017/04/24/the-hotbed-of-anti-semitism-isnt-a-foreign-country-but-u-s-college-campuses-report-says/?utm_term=.68c222c7d8dc

Chairman MCCAUL. Thank you, Rabbi.

We have about 2 minutes on the clock to vote. So what I would like to do is go vote. That is why I think the Ranking Member and I are the only two left here. So we are going to go vote. There are four votes.

We will come back and then we will hear from Mr. Cohen.

We will stand in recess.

[Recess.]

Chairman MCCAUL. The committee will come to order.

The Chair now recognizes Mr. Cohen for his testimony.

**STATEMENT OF J. RICHARD COHEN, PRESIDENT, SOUTHERN
POVERTY LAW CENTER**

Mr. COHEN. Thank you, Chairman McCaul. Thank you, Ranking Member Thompson and Members of the committee. It is an honor to be here today.

Charlottesville truly was a wake-up call for our country. It was a reminder that the oldest form of terrorism our country has ever known is still with us. It was proof that the white supremacist movement has been energized by Mr. Trump's campaign, proof that Mr. Trump's campaign has, "unearthed some demons," to use Congressman Sanford's words. The marchers' chant in Charlottesville, "You will not replace us," was an expression of paranoia over cultural displacement. It reminds us of what Dylann Roof said when he murdered 9 people in a Charleston church: "You are taking over our country." The marchers' chant "blood and soil." Their anti-Semitism reminds us of one of the darkest chapters in modern history.

In my written testimony, I called the threat associated with groups like ISIS the most acute ones we face. So I certainly don't take issue with Director Wray calling it our main terrorism threat. But I worry that calling the threat from domestic extremist groups, like those in Charlottesville, merely a steady one, as Director Wray has called it, may lead us to underestimate the danger that the current white supremacist movement poses, not just to our physical safety, but to the very soul of our Nation. I worry that calling the domestic extremist threat merely a steady one may lead us, once again, not to give it the attention it deserves.

That is why I think the joint resolution that this Congress passed unanimously in September and that the President signed is

so important. The resolution recognizes the growing threat from racist anti-Semitic and xenophobic hate groups in our country. It urges the President and his administration to use all available resources to address that threat, and it calls on the Attorney General to vigorously prosecute criminal acts from the radical right and to improve the reporting of hate crimes.

That reporting, I would note, is woefully inadequate. The FBI's recent report counted approximately 6,000 hate crimes in 2016. Yet the Bureau of Justice Statistics estimates that as many as a quarter-million hate crimes may be occurring annually. So clearly, we have a disconnect here.

As you know, the Charlottesville resolution urges various things, but has no enforceable provisions. That is why it is so critical that this committee hold oversight hearings in the very near future to ensure that the President is living up to the commitments he made when he signed the resolution. I would also ask this committee to recommend legislation, similar to that which Senator Durbin has proposed, that would institutionalize the focus on terrorism from the radical right within our Federal law enforcement agencies. That threat is the oldest our country faces.

Charlottesville demonstrates that it is lethal, and it is likely to be with us long after we hopefully have addressed the threat of terror from groups like ISIS. It deserves the full measure of our attention.

Senator Durbin's bill would do many other things, including preserving funding for the State and Local Anti-Terrorism program, SLATT, for short, a critical program that has been on this chopping block.

As I mentioned in my written testimony, my colleagues and I at the Southern Poverty Law Center are representing Susan Bro, the mother of Heather Heyer, the young woman who was killed when a white supremacist drove his car into a crowd of protesters in Charlottesville. At the funeral of her daughter, Susan said, "They tried to kill my child to shut her up. But guess what, you just magnified her. I would rather have my child," she said, "but by golly, if I have to give her up, we are going to make it count."

I will see Susan next week in Charlottesville, and I look forward to telling her that this committee is committed to doing everything in its power to curb the threat of radical right terrorism in our country and to make Heather's death count.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Cohen follows:]

PREPARED STATEMENT OF J. RICHARD COHEN

NOVEMBER 30, 2017

My name is Richard Cohen. I am an attorney and the president of the Southern Poverty Law Center (SPLC), a civil rights organization founded in 1971. For more than three decades, my colleagues and I have been monitoring, issuing reports about, and training law enforcement officials on far-right extremist activity in the United States. I have litigated numerous cases against hate groups and their leaders and am currently representing the mother of Heather Heyer, the young woman who was killed in Charlottesville, Virginia, on August 12, 2017. I have served on the Department of Homeland Security's Countering Violent Extremism Working Group, am a past recipient of the FBI Director's Community Leadership Award, and have testified before many Congressional committees, including this one on July 15,

2015, on issues relating to domestic terrorism. I am honored to appear before you today.

My testimony will focus on the threat of domestic terrorism—more specifically, the threat of terrorism from white supremacist groups and their adherents. In doing so, I do not mean to minimize other threats our country faces, including those associated with extremist forms of Islam or those directed at law enforcement officers.

CONGRESS HAS RECENTLY RECOGNIZED THE GROWING WHITE SUPREMACIST THREAT
AND HAS CALLED ON THE PRESIDENT TO ACT

When I testified before this committee at its hearing on “The Rise of Radicalization: Is the Government Failing to Counter International and Domestic Terrorism” in July 2015, I emphasized two points: First, that the threat of radical-right terrorism in our country is a serious one; and second, that there had been a bipartisan failure to devote sufficient resources to address that threat in the aftermath of the tragic events of September 11, 2001. In the joint resolution passed unanimously in September after the unprecedented events in Charlottesville, Congress

- acknowledged the “growing prevalence” of “hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and white supremacy”;
- urged the President and his administration to “use all available resources” to address the threats from such groups; and
- called on the attorney general and other Federal agencies to vigorously prosecute criminal acts by white supremacists and to improve the collection and reporting of hate crimes.¹

On September 14, the President signed the joint resolution. Now, the questions are what will the President and his administration do to fulfill the commitments the President made by signing the resolution and, just as importantly, what will Congress do to ensure that the President and his administration live up to those commitments and have the necessary resources to do so? Before turning to these questions, however, it will be useful to describe the nature of the threat of white supremacist violence that the country is facing and the bipartisan failure in recent years to devote more attention to it.

THE WHITE SUPREMACIST MOVEMENT, A DOMESTIC TERROR THREAT SINCE
RECONSTRUCTION, HAS BEEN ENERGIZED BY PRESIDENT TRUMP’S CAMPAIGN RHETORIC

Although the threat of terrorism from extremist forms of Islam may be the most acute one the country currently faces, the threat from white supremacists is undoubtedly the most persistent one in our country’s history. Indeed, since the founding of the Ku Klux Klan in the immediate aftermath of the Civil War, our country has faced terrorism—including thousands of lynchings—from those determined to preserve white hegemony. Those who marched in Charlottesville this summer chanting “You will not replace us” and “Jews will not replace us” were motivated by the same goal. Even if some of the new energy in the white supremacist movement were to dissipate in a few years, the threat of white supremacist violence is likely to be with us for many years to come.

Since the start of 2001, the death toll in our country from terrorism associated with extremist forms of Islam has been far higher than that from far-right extremism; however, the number of homicidal incidents actually has been greater from the latter source. In a 2016 study, the National Consortium for the Study of Terrorism and Responses to Terrorism (START) found that between 1990 and 2014, far-right domestic extremists were responsible for four times as many ideologically-based homicidal incidents as extremists associated with al-Qaeda and related movements.² During the 2005–2014 period, the ratio was 3-to-1.

This past February, START reported that, from 1990 to 2016, if the two deadliest terrorist incidents—the Oklahoma City bombing and the 9/11 attacks—are removed from the count, far-right extremists have killed more than twice as many people in the United States as have Islamist extremists (272 versus 130). Using the same criteria, START found that far-right extremists killed 57 law enforcement officers dur-

¹S.J. Res 49, 115th Cong. (2017) (enacted).

²*Twenty-Five Years of Ideological Homicide Victimization in the United States of America*, Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security, March 2016, at http://www.start.umd.edu/pubs/START_CSTAB_ECDB_25YearsofIdeologicalHomicideVictimizationUS_March2016.pdf.

ing the same approximate period, compared to 7 killed by Islamist extremists.³ A General Accountability Office study released in April reached similar conclusions.⁴

Since the turn of the century, we have documented an increase in the number of hate groups—the majority of which have white supremacist beliefs or leanings.⁵ In our view, the most important factor driving the increase has been a backlash to our country’s changing demographics. For many on the radical right, President Obama—our Nation’s first president of color—represented the kind of “change” they feared.⁶ The day after President Obama was first elected, for example, Stormfront—a popular neo-Nazi web forum whose members have been responsible for many deadly attacks⁷—reported that it was getting six times its normal traffic. “There are a lot of angry white people out there looking for answers,” added the Stormfront publisher, a former Klansman.⁸

During the last 2 years—a period that coincided with the Presidential campaign—we documented a surge in the number of hate groups.⁹ The growth in the number of hardline anti-Muslim groups last year was particularly dramatic, a near-tripling.¹⁰ At the same time, hate crimes targeting Muslims have doubled over the last 2 years, according to the FBI.¹¹ As former President George W. Bush noted during a speech last month, “bigotry seems emboldened.”¹²

Although the growth in hate groups began before President Obama took office, his election did coincide with another phenomenon: The dramatic resurgence of a far-right, anti-Government movement that has been responsible for numerous terrorist attacks and plots. Many of the beliefs prevalent in this movement are rooted in the racist, anti-Semitic ideology that animated the *Posse Comitatus* (Latin for “power of the county”) in the 1970’s. Oklahoma City bomber Timothy McVeigh, for example, held both white supremacist and radical, anti-Government beliefs. For a number of reasons, including law enforcement crackdowns, the movement declined significantly after the 1995 Oklahoma City bombing, only to re-emerge during the Obama administration. Although the number of groups has once again fallen, the movement remains a threat. On the same day that Heather Heyer was killed in Charlottesville, the FBI arrested a man in Oklahoma City who was attempting to detonate what he believed to be a 1,000-pound truck bomb outside a bank building.¹³ The suspect

³ Parkin, William S., and Jeff Gruenewald, Brent Klein, Joshua D. Freilich, Steven Chermak. 2017. “Islamist and Far-Right Homicides: Infographic,” National Consortium for the Study of Terrorism and Responses to Terrorism, at http://www.start.umd.edu/pubs/START_ECDB_IslamistFarRightHomicidesUS_Infographic_Feb2017.pdf.

⁴ *Countering Violent Extremism: Actions Needed to Define Strategy and Assess Progress of Federal Efforts*, Government Accountability Office, April 2017, at <http://www.gao.gov/assets/690/683984.pdf>.

⁵ The SPLC identified 917 hate groups in 2016, up from the 457 groups documented in 1999. Out of those in 2016, 471 groups subscribed to white supremacist ideologies. Mark Potok, “The Year in Hate and Extremism,” *Intelligence Report*, Spring 2017, at splcenter.org/fighting-hate/intelligence-report/2017/year-hate-and-extremism; “Active Hate Groups,” *Intelligence Report*, Spring 2017, at splcenter.org/fighting-hate/intelligence-report/2017/active-hate-groups-2016.

⁶ In addition to the growth in hate groups, President Obama’s election coincided with the resurgence of a far-right anti-Government movement that produced numerous acts and plots of domestic terrorism targeting Federal officials and facilities in the 1990’s. In 1996, we counted 858 conspiracy-minded anti-Government groups; in 2008, 149. But by 2012, we counted 1,360 such groups, an increase of more than 800 percent.

⁷ Heidi Beirich, *White Homicide Worldwide*, Southern Poverty Law Center, March 2014, at <https://www.splcenter.org/20140401/white-homicide-worldwide>.

⁸ Stormfront website, at <https://www.stormfront.org/forum/t521647/>.

⁹ “Hate Groups Increase for Second Consecutive Year as Trump Electrifies Radical Right,” Southern Poverty Law Center, Feb. 15, 2017, <https://www.splcenter.org/news/2017/02/15/hate-groups-increase-second-consecutive-year-trump-electrifies-radical-right>.

¹⁰ Mark Potok, “The Year in Hate and Extremism,” *Intelligence Report*, Southern Poverty Law Center, Feb. 15, 2017, at <https://www.splcenter.org/fighting-hate/intelligence-report/2017/year-hate-and-extremism>.

¹¹ “2015 Hate Crime Statistics,” FBI, at https://ucr.fbi.gov/hate-crime/2015/topic-pages/incidentsandoffenses_final.pdf; “2016 Hate Crime Statistics,” FBI, at <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>.

¹² Rebecca Savransky, “George W. Bush: ‘Bigotry seems emboldened in U.S.’,” *The Hill*, Oct. 19, 2017, at <http://thehill.com/homenews/news/356212-george-w-bush-bigotry-seems-emboldened-in-us>.

¹³ “Man Arrested for Trying to Detonate What He Thought was a Vehicle Bomb at Downtown Oklahoma City Bank,” Department of Justice press release, Aug. 14, 2017, at <https://www.justice.gov/usao-wdok/pr/man-arrested-trying-detonate-what-he-thought-was-vehicle-bomb-downtown-oklahoma-city>.

reportedly was attempting to replicate McVeigh's bombing of the Alfred P. Murrah Federal Building.¹⁴

President Trump's campaign energized the white supremacist movement—"unearthed some demons," to borrow Representative Mark Sanford's words.¹⁵ Although white supremacists typically eschew the political process, seeing both parties as irredeemably corrupt, they took the unusual step of rallying around Mr. Trump's candidacy and celebrating his victory. On his radio show in February 2016, for example, former Klan chief David Duke told his listeners that "voting against Donald Trump . . . is really treason to your heritage."¹⁶ On election night, he tweeted that "our people played a HUGE role in electing Trump!"¹⁷ During a gathering of white nationalists just blocks from the White House shortly after the election, white nationalist leader Richard Spencer—who later played a prominent role in the Charlottesville demonstrations—prompted Sieg Heils from audience members after quoting Nazi propaganda in German. He responded by shouting, "Hail Trump! Hail our people! Hail victory!"¹⁸

In the 10 days following the election, we documented nearly 900 bias-related acts of harassment, intimidation, and violence.¹⁹ Many of the perpetrators invoked the President-elect's name or his slogans. *Cf. supra* note 15 (quoting Rep. Sanford) ("I've talked to a number of people about it back home. They say, 'Well, look, if the President can say whatever, why can't I say whatever?' He's given them license."). During the Charlottesville demonstrations, David Duke stated, "We are determined to take our country back. We are going to fulfill the promises of Donald Trump."²⁰

The violence in Charlottesville was not, by any means, the only example of deadly white supremacist violence this year.²¹ Over the Memorial Day weekend, for example, a white supremacist stabbed two men to death on a Portland, Oregon, train after the men attempted to help two women who were the targets of the perpetrator's anti-Muslim slurs.²² The previous weekend, a white University of Maryland student—a member of a racist Facebook group called Alt-Reich Nation—was arrested for stabbing to death a black ROTC student attending Bowie State University.²³ In March, a white man from Baltimore fatally stabbed a black man with a sword in New York City after traveling there specifically with the intention of killing a black man.²⁴ In February, a white man in Kansas went to a bar and shot two men from India, one fatally, after reportedly telling them to "get out of my country."²⁵

¹⁴ Manny Fernandez, "Bombing Plot in Oklahoma City is Thwarted with Arrest, F.B.I. Says," *The New York Times*, Aug. 14, 2017, at https://www.nytimes.com/2017/08/14/us/oklahoma-bomb-domestic-terrorism.html?_r=0.

¹⁵ Karen Tumulty and Robert Costa, "The GOP Inherits What Trump has Wrought," *The Washington Post*, May 26, 2017, https://www.washingtonpost.com/politics/the-gop-inherits-what-trump-has-wrought/2017/05/26/4e1943ea-4177-11e7-adba-394ee67a7582_story.html?utm_term=.bc5a926d86fa.

¹⁶ "David Duke Says a Vote against Trump is Treason to White Heritage," Hatewatch, Feb. 26, 2016, <https://www.splcenter.org/hatewatch/2016/02/26/david-duke-says-vote-against-trump-treason-white-heritage>.

¹⁷ David Duke (@DrDavidDuke), Twitter (Nov. 9, 2016, 2:14 AM), <https://twitter.com/drdravidduke/status/796249464826687488?lang=en>.

¹⁸ Joseph Goldstein, "Alt-Right Gathering Exults in Trump Election with Nazi-Era Salute," *The New York Times*, Nov. 20, 2016, https://www.nytimes.com/2016/11/21/us/alt-right-salutes-donald-trump.html?_r=0.

¹⁹ *Ten Days After: Harassment and Intimidation in the Aftermath of the Election*, Southern Poverty Law Center, Nov. 29, 2016, <https://www.splcenter.org/20161129/ten-days-after-harassment-and-intimidation-aftermath-election>.

²⁰ Libby Nelson, "Why we voted for Donald Trump: David Duke explains the white supremacist Charlottesville protests," *Vox*, Aug. 12, 2017, <https://www.vox.com/2017/8/12/16138358/charlottesville-protests-david-duke-kkk>.

²¹ For a synopsis of radical-right terrorist plots, conspiracies, and racist rampages, see *Terror from the Right*, Southern Poverty Law Center, at <https://www.splcenter.org/20100126/terror-right>.

²² Jim Ryan, "2 killed in stabbing on MAX train in Northeast Portland as man directs slurs at Muslim women, police say," *The Oregonian*, May 27, 2017, at http://www.oregonlive.com/portland/index.ssf/2017/05/police_responding_to_ne_portla.html.

²³ Colin Campbell and Tim Prudente, "Suspect in University of Maryland fatal stabbing held without bail, students say school must address racial tensions," *The Baltimore Sun*, May 22, 2017, at <http://www.baltimoresun.com/news/maryland/crime/bs-md-college-park-monday-20170522-story.html>.

²⁴ Ashley Southall, "Suspect in Manhattan Killing Hated Black Men," *The New York Times*, March 22, 2017, at <https://www.nytimes.com/2017/03/22/nyregion/manhattan-nyc-james-harris-jackson-hate-crime.html>.

²⁵ Tony Rizzo, Toriana Porter, Laura Bauer, Matt Campbell, Ian Cummings, and Judy L. Thomas, "First-degree murder charge filed in possible hate crime shooting at Olathe's Austins

Looking ahead, we agree with the recent DHS/FBI assessment that the country will continue to see lethal attacks from white supremacists.²⁶ Indeed, we think it's likely that the level of violence may increase in the near term. There is currently an extraordinarily high level of energy in the white supremacist movement. If the political process does not yield the results that those in the movement expect—and we fervently hope that it does not—some may leave the movement. But others may resort to extra-legal means to pursue their objectives or to vent their frustrations.

In the long run, the underlying dynamics that have led to the current state of the white supremacist movement are not likely to change. As our country continues to grow more racially and ethnically diverse, we are likely to see a backlash from those who wish to preserve white hegemony. And, although we commonly refer to the white supremacist movement as a domestic one, it is not confined to the United States. The reality today is that the white supremacist movement is roiling democracies across the Western world.²⁷

THERE HAS BEEN A BIPARTISAN FAILURE TO DEVOTE SUFFICIENT RESOURCES TO THE
THREAT OF DOMESTIC TERRORISM

After the deadly Oklahoma City bombing on April 19, 1995, then-Attorney General Reno formed a special task force, the Domestic Terrorism Executive Committee, to coordinate the country's response to the threat of domestic terrorism. The task force was scheduled to hold one of its monthly meetings on September 11, 2001, but did not do so for obvious reasons. But the task force did not miss just one meeting. As the country's focus shifted to the new threat, the task force did not meet again for 13 years. Only after a white supremacist killed three people in Overland Park, Kansas, in 2014 did the attorney general reconvene it.

Like the Justice Department, DHS cut resources devoted to countering the threat of domestic terrorism after 9/11. In April 2009, the DHS released an Unclassified intelligence assessment to law enforcement officials entitled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*.²⁸ Yet, despite the report's accuracy, then-DHS Secretary Janet Napolitano withdrew it following an outcry by those who claimed, falsely, that the report tarred conservatives as potential domestic terrorists. More significantly, the DHS unit responsible for the report was allowed to wither. In the wake of the controversy over the report, *The Washington Post* reported that DHS “cut the number of personnel studying domestic terrorism unrelated to Islam, canceled numerous State and local law enforcement briefings, and held up dissemination of nearly a dozen reports on extremist groups.”²⁹

In 2010, the year after the DHS *Right-wing Extremism* report was withdrawn, I was asked to serve on Secretary Napolitano's Countering Violent Extremism Working Group.³⁰ At my request, one of my colleagues, a Federally-certified law enforcement trainer, was invited to serve as a subject-matter expert for the Advisory Council. Neither of us had success in getting the group to focus on the threat of terrorism from the radical right.

In February 2015, when President Obama addressed the White House Summit on Countering Violent Extremism, the first terrorist incident he mentioned was the Oklahoma City bombing. But the discussion at the summit itself focused almost exclusively on the threat associated with extremist forms of Islam. Similarly—just 2 weeks after the 2015 Charleston massacre—this committee released a Terror Threat

bar,” *The Kansas City Star*, Feb. 23, 2017, at <http://www.kansascity.com/news/local/crime/article134459444.html>.

²⁶ *Joint Intelligence Bulletin: White Supremacist Extremism Poses Persistent Threat of Lethal Violence*, Federal Bureau of Investigation and Department of Homeland Security, May 2017, at <https://www.documentcloud.org/documents/3924852-White-Supremacist-Extremism-JIB.html>.

²⁷ Morris Dees and J. Richard Cohen, “White Supremacists Without Borders,” *The New York Times*, June 22, 2015, at <https://www.nytimes.com/2015/06/22/opinion/white-supremacists-without-borders.html>.

²⁸ PDF on Southern Poverty Law Center website, at http://www.splcenter.org/sites/default/files/downloads/resource/DOJ_rwextremism2009.pdf.

²⁹ “Homeland Security Department Curtails Home-Grown Terror Analysis,” *The Washington Post*, June 7, 2011, at http://www.washingtonpost.com/politics/homeland-security-department-curtails-home-grown-terror-analysis/2011/06/02/AGQEADLH_story.html.

³⁰ Countering Violent Extremism Working Group, Homeland Security Advisory Committee, Spring 2010, at https://www.dhs.gov/xlibrary/assets/hvac_cve_working_group_recommendations.pdf.

Snapshot that contained no mention of Charleston or the threat of terror from the radical right.³¹

The Trump administration also appears to have minimized the threat from the radical right at various times. A few days before the events in Charlottesville in August, for example, Sebastian Gorka, then a top terrorism adviser to President Trump, ridiculed the notion of lone-wolf terrorists and suggested that white supremacists are not “the problem.”³² A month before Charlottesville, DHS canceled a number of grants, including one to an organization called Life After Hate, whose mission is to rehabilitate former neo-Nazis and other domestic extremists.³³

Another program being slashed—even as the FBI and DHS are warning about further white supremacists violence—is the State and Local Anti-Terrorism Training program. Bob Paudert, a former police chief in West Memphis, Arkansas, whose son and another officer were killed by far-right extremists during a routine traffic stop in 2010, called it “one of the best training programs in the country.”³⁴

We applaud Attorney General Sessions for speaking out forcefully and promising vigorous prosecutions after Charlottesville. Well before the passage of the post-Charlottesville joint resolution, he had formed a task force to examine ways to improve hate crime reporting.³⁵ (The Bureau of Justice Statistics estimates that there are as many as 250,000 hate crimes in our country each year.³⁶ Yet, in its 2016 report, the FBI counted just 6,121 hate crimes.³⁷) We also appreciate Kirstjen Nielsen’s unequivocal condemnation of white supremacy, anti-Semitism, and Islamophobia at the recent hearing on her nomination to serve as the next DHS Secretary.

THE PRESIDENT AND HIS ADMINISTRATION MUST FULFILL THEIR COMMITMENTS UNDER THE CHARLOTTESVILLE JOINT RESOLUTION; CONGRESS HAS RESPONSIBILITIES AS WELL

The Charlottesville joint resolution is important because it recognizes that the threat of white supremacist terrorism is grave and calls on the President to address it. Although the resolution was passed unanimously and signed by the President, it is nevertheless a “soft” law, because it has no enforceable provisions. Thus, it is incumbent on Congress to ensure that the President and his administration live up to their commitments.

In March 2018—6 months after passage of the Charlottesville resolution—this committee should exercise its oversight responsibility by holding a hearing to ensure that the President and administration are following through on their various commitments under the resolution. We would urge particular attention to their commitment to “use all resources available . . . to address the growing prevalence of . . . hate groups in the United States.”³⁸ One aspect of the resolution, a directive to improve the collection and reporting of hate crime data, could be the subject of an earlier hearing, given that Mr. Sessions’ hate crimes task force report is expected in January.³⁹

In addition to exercising its oversight responsibility, there are many other ways in which Congress can and should address the threat of domestic terrorism from the radical right. Given that the white supremacist movement has represented a deadly threat for more than 150 years and the likelihood that it will continue to do so into the foreseeable future, Congress should institutionalize the focus on the threat of

³¹ <http://homeland.house.gov/sites/homeland.house.gov/files/documents/July%20Terror%20Threat%20Snapshot%200.pdf>.

³² Judd Legum, “White House adviser says people should stop criticizing white supremacists so much,” ThinkProgress, Aug. 10, 2017, at <https://thinkprogress.org/white-house-adviser-says-people-should-stop-criticizing-white-supremacists-so-much-ddd587767d60/>.

³³ Jennifer Hansler, “DHS shifts focus of funding to counter violent extremism,” CNN, July 4, 2017, at <http://www.cnn.com/2017/07/01/politics/cve-funding-changes/index.html>; Jessica Schulberg, “Controversial Trump Aide Katharine Gorka Helped End Funding for Group That Fights White Supremacy,” HuffPost, Aug. 15, 2017, at <https://www.huffingtonpost.com/entry/katharine-gorka-life-after-hate-us-59921356e4b09096429943b6>.

³⁴ Judy L. Thomas, “As domestic terrorism like Charlottesville rises, Federal program to fight it shuts down,” *The Kansas City Star*, Aug. 20, 2017, at <http://www.kansascity.com/news/politics-government/article168110172.html>.

³⁵ U.S. Department of Justice announcement, at <https://www.justice.gov/crt/hate-crimes-sub-committee>.

³⁶ Lynn Langton, “Hate Crime Victimization, 2004–2015,” Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, June 29, 2017, at <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>.

³⁷ “2016 Hate Crime Statistics,” FBI, at <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>.

³⁸ See supra note 1.

³⁹ “Attorney General Jeff Sessions’ Statement on the FBI’s 2016 Hate Crimes Statistics,” Department of Justice press release, Nov. 13, 2017, at <https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-statement-fbis-2016-hate-crimes-statistics>.

this form of terrorism within Federal law enforcement agencies so it will always be given the attention it deserves. The Domestic Terrorism Prevention Act, which has been introduced by Senator Durbin, would provide a mechanism for accomplishing this by requiring DHS, the Justice Department, and the FBI to establish offices to analyze and monitor domestic extremist threats.

Among the Act's provisions is a requirement that the Justice Department, the DHS and the FBI jointly provide an annual assessment of the threat so that Congress can provide the oversight needed. The Act also ensures the continued operation of the State and Local Anti-Terrorism Training program, which provides critical training and resources to assist local, State, and Tribal law enforcement agencies in detecting and investigating domestic terrorism. These resources also help law enforcement identify, investigate, and respond to hate crimes. Mike Sena, president of the National Fusion Center Association, has called the Trump administration's elimination of this program "an egregious error."⁴⁰

In its Charlottesville joint resolution, Congress spoke out clearly and unequivocally in condemning "white nationalism, white supremacy, and neo-Nazism as hateful expressions of intolerance that are contradictory to the values that define the people of the United States" and called on the President to do so as well.⁴¹ It is vitally important that Members of Congress and other political leaders continue to speak out against racism and other forms of extremism that lead to terrorism and hate crimes. The President, in particular, must forcefully reject the white supremacist movement, as is his obligation under the joint resolution. There is no room for confusion or equivocation.

It is also critically important that our commitment to and enforcement of our Nation's civil rights laws mirror our commitment to fighting domestic terrorism. While we appreciate Mr. Sessions' focus on hate crimes, we would note the anomalies evident in the administration's actions. The administration commits to vigorous hate crime enforcement, even as it cuts funding for civil rights enforcement.⁴² Mr. Sessions promises a focus on hate crimes against the transgender community, even as the Justice Department withdraws protections for transgender children in public schools.⁴³ Mr. Sessions emphasizes the prosecution of those who burn mosques,⁴⁴ yet the administration vilifies Muslims through its attempts to bar them from entering the country.

On April 23, 1990, when President George H.W. Bush signed the Federal Hate Crimes Statistics Act, he linked the elimination of hate crimes to the "guarantee of civil rights for all Americans," saying that the latter was "one of the greatest obligations" of his administration and the Justice Department. Combating domestic terrorism based on hate is just as important to the goal of protecting the civil rights of all Americans. Violence perpetrated against vulnerable populations based on factors such as race, ethnicity, religion, or sexual orientation rips apart the very fabric of our country, dividing us along our most fragile lines. As President Bush said that day, "hate breeds violence, threatening the security of our entire society."

Today, the white supremacist movement is as energized and emboldened as it has been in decades—and we are seeing increased violence against vulnerable populations as a result. We must speak out strongly, and we must act decisively.

There should be no question about where any of our elected leaders stand.

Thank you.

Chairman MCCAUL. Thank you, Mr. Cohen. I think this is a very important hearing. I think we have seen it before with Tim McVeigh.

⁴⁰ Judy L. Thomas, "As domestic terrorism like Charlottesville rises, Federal program to fight it shuts down," *The Kansas City Star*, Aug. 20, 2017, at <http://www.kansascity.com/news/politics-government/article168110172.html>.

⁴¹ See supra note 1.

⁴² Juliet Eilperin, Emma Brown, and Darryl Fears, "Trump administration plans to minimize civil rights efforts in agencies," *The Washington Post*, May 29, 2017, at https://www.washingtonpost.com/politics/trump-administration-plans-to-minimize-civil-rights-efforts-in-agencies/2017/05/29/922fc1b2-39a7-11e7-a058-ddbb23c75d82_story.html?utm_term=.5bad24f61736.

⁴³ Ariane de Vogue, Mary Kay Mallonee, and Emanuella Grinberg, "Trump administration withdraws Federal protections for transgender students," CNN, Feb. 23, 2017, at <http://www.cnn.com/2017/02/22/politics/doj-withdraws-Federal-protections-on-transgender-bath-rooms-in-schools/index.html>.

⁴⁴ Beth Reinhard, "Jeff Sessions Pledges Support for Hate-Crime Laws," *The Wall Street Journal*, June 29, 2017, at <https://www.wsj.com/articles/jeff-sessions-pledges-support-of-hate-crime-laws-1498773053>.

Rabbi, thank you for pointing out my father's sort-of, as I view, his legacy of 32 bombing missions over the Nazis. For the life of me, I don't understand this mindset of hatred and revival of the Nazi spirit that I thought we crushed in World War II.

I was recently in Auschwitz, 6 months ago, to see the pure evil that was perpetrated by the Nazis that my father and his generation fought to defeat. So when I see skinheads and neo-Nazis and white supremacists assemble, not only am I sort of just confounded as to how this could happen, but I just find it completely immoral and unacceptable for this Nation.

My grandfather was also persecuted by the Klan because he was Catholic. So hatred in all forms, whether it be radical Islamist ideology or this type of hatred, cannot stand in this country. We need to unite, I think, as a Nation. So I want to thank all three of you for your testimony.

First, I want to ask Chief Rausch. I mean, you had what could have been a similar Charlottesville on your hands. You had 3,000 people show up to protest a Confederate monument in Fort Sanders, Tennessee. Clearly, it is foreseeable that both of these factions are going to come together. You are going to have a lot of heat and emotion and the potential for great violence. Yet over a period of a 2½-hour rally, we saw no violence.

I think what you did is a model of leadership for how law enforcement, perhaps working with State law enforcement, can successfully prevent this kind of violence in the future. I just wanted you to comment on what you did that may have been different from Charlottesville that maybe law enforcement officers across the country can learn when this situation enters into their hometowns.

Chief RAUSCH. Thank you, Mr. Chairman. First and foremost, I think we learned from watching what happened in other locations, and so we literally took the game tape from Charlottesville, from Boston, and from Durham, North Carolina, and sat down and went through it and talked about those things that were right and the things that were wrong. We then strategized on how we address that with what we had coming at us.

So some of the things we saw that were right: Boston, their mayor and their chief did a great job of getting out in front and putting out the rules of what they would allow. They made a press release on Thursday before the Saturday rally and said these are the things that will be allowed at this rally.

Now, in our assessment, they didn't go far enough. They had some violence still at that—not as much, but they had some violence at that rally. So we looked at all of that to determine how we would do ours.

So first and foremost was getting the information out through the media, to the public, and to these groups that were converging of what would be allowed.

Second was taking complete control of the area that they were going to be in. We took control of that early on. So one of the things that we had heard from Charlottesville was, you know, they had some challenge with the areas they were showing up, that they didn't have control of. So we went in and took complete control and we cordoned off the area. You know, the vehicle threat was real, and so we took care of that by utilizing our public service, putting

dump trucks at every vehicle access point to keep those types of vehicle-borne attacks from being able to take place.

A lot of coordination and control. The coordination with our State partners, with our local and Federal partners as well, on looking at intelligence information of these groups, what they were planning, what they were saying to each other early on was important.

Some of the other things was putting the rules in place. You know, we said there would be—you know, none of the things that we saw that caused the problems. So no sticks, no rocks, no bricks, no bottles, no firearms. All of that—no masks, nothing to cover yourself to keep yourself, your identity from being known. All of that was important that we put that in place immediately so that people knew these are the rules.

We learned that a lot of the supremacists, the white supremacists didn't show up because of the rules. They didn't want to follow those rules so they didn't come, which was OK for our community. So I think the success was a result of that, and then a well-executed plan by our team. They did a great job of making sure that we had everyone safe, and we kept control of the area. It was just a well-executed plan.

Chairman MCCAUL. Well, let me commend you for that. I think it is a textbook model of how to do it right. I hope other police departments will learn from the good things that you did. I mean, I think it is a great model.

Rabbi, I am a student of counterterrorism. I was a counterterrorism Federal prosecutor. I remember Ramzi Yousef. His first target was not the World Trade Center. It was 12 Jewish synagogues symbolizing the 12 tribes of Israel. Pretty chilling. He did not—he decided to change that plan and go after the greatest symbol of financial might in New York, and that is the World Trade Center. When he almost successfully brought the Twin Towers down, of course, he came—his uncle Khalid Sheikh Mohammed came back and finished it.

Rabbi COOPER. Finished the job.

Chairman MCCAUL. Sadly. I know your community suffered greatly, and this whole country did, and that is why this committee was formed in the first place.

But the Jewish community centers have been under threats constantly. I am proud to say that this committee, working with the Ranking Member, doubled the authorization amount from fiscal year 2017 for \$50 million; a 100 percent increase over the fiscal year 2017, also to what are called non-UASI jurisdiction. So I hope that is a step in the right direction for you. We, I think, made great progress on that.

But I would like for you to describe the threats that you are seeing currently to the centers and synagogues in this country right now.

Rabbi COOPER. Well, first of all, I think this is an appropriate time for the community to say thank you. Obviously, it is passed by law. There are appropriations. There are hearings. But I think for the Jewish community, especially for younger families who never experienced it before, it is traumatic, it is long-lasting, like any hate crime. It has both the personal and the communal impact. It may be difficult for our non-Jewish neighbors to understand.

As I mentioned in my testimony, that it has been three decades since Jewish kids would be dropped off at a school where there wasn't an armed guard. On a regular Saturday morning—I pray in a relatively modest-size synagogue on Pico Boulevard in Los Angeles. We were actually targeted by a radicalized Islamist terrorist from California prisons for an attack that, thank God, was interdicted before it took place.

So, you know, the mindset for Jewish community leaders, JCCs, schools, temples, and synagogues is to do your best with perimeter defense and to always have in mind—I was listening carefully about, you know, the Friday night football game, and especially if it is going to be a playoff, and there is this tremendous energy. Our security has to be in place 52 weeks a year. That, in a society—here we are in the Capital of our Nation that is based—one of our basic freedoms is freedom of religion.

As I mentioned in my testimony, this is not paranoia. It is just reality. I know there is a lot of give-and-take, important discussions here about what is a greater threat, from ISIS or is it from the Nazi-like types. Unfortunately, we have to grapple with both of them. We rely very heavily on local law enforcement, the anti-crime, the anti-hate, and terrorist units.

I think maybe the most important point I would like to sort-of bring back to the one committee that actually still has it, we really need bipartisanship moving forward if we are fighting hate in America to have some sort of, you know, what is a greater threat and to whom? I think we need to quantify what the threats are, but we have to move forward together as Americans to confront the bigots, the racists, or the terrorists. Otherwise, they win and we lose.

If you look at Charlottesville, the Nazis came that night or whatever—you know, the groups came. They had a game plan. They weren't worried about the law. They knew what they were going to do on the internet. They even had a way to place themselves, in their own minds, as victims that night. Did you know that they complained that they were actually pushed by law enforcement into the antifa and that is how the whole violence began?

So when I look at that horrific piece of theater that was so incredibly effective for them, that was the group that did their own planning. They understand the rules of the game. They knew what they wanted to violate. We live in a day in which, because of the internet, everything local is global and everything global is local.

As a result, whether it is something in the Middle East or the horrific events that took place on the bicycle path in New York, when those things take place, every single security officer of every Jewish institution across the United States has an immediate conversation with the Rabbi, with the executive director. These are concerns that are not far removed from us on a daily basis.

Chairman MCCAUL. Thank you, Rabbi.

The Chair recognizes the Ranking Member.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Welcome to our panel of witnesses for this hearing.

Mr. Cohen, can you give the Southern Poverty Law Center's experience with domestic terrorist organizations here in the United States, whether you see a proliferation of that ideology or organiza-

tion, and to what extent, what region of the country is it peculiar to, if so?

Mr. COHEN. Thank you for the question. To answer the last part first, there is no region of our country that is not affected by hate groups. None. That is quite unfortunate. Over the last 15, 20 years, we have seen an increase in the number of hate groups driven, we think, primarily by the country's changing demographics. There is a backlash to it. You saw it during President Obama's administration where he represented the kind of change that some people were scared of. It preceded him, but was intensified during his period of time.

After 9/11, unfortunately, I think we saw in the country a retreat from a focus on the threat of traditional forms of domestic terrorism, partly for an understandable reason: The horror and carnage of 9/11. But I think the pendulum had swung too far. You know, hopefully, after Charlottesville, which I think is a wake-up call, you know, the pendulum will begin to swing back where we can take that form of threat more seriously.

Mr. THOMPSON. Thank you very much.

The other two witnesses talked a little bit about social media and how that has become the weapon of choice, if you please, for a lot of these hate groups. Chief, can you give us your experience about this or your organizational experience?

Chief RAUSCH. Absolutely. Social media has become the platform. It has intensified the voice of hate. It has become the location that has basically made hate a megaphone to the rest of the world. It is a place where, as the earlier panel had mentioned, it is where people are being radicalized. As the video that you showed earlier shows, that is the type of information that is being shared widely with individuals throughout the country.

Before, you would have to be, as you mentioned, in an area that may have a large group of these types of individuals. Now, it is wide open. Our experience is that they are constantly bombarding individuals with those types of videos and trying to normalize that mindset and that behavior.

Mr. THOMPSON. Rabbi, what has been your experience?

Rabbi COOPER. Thank you, Congressman. I am here with my colleague, Rick Eaton, who I consider one of the world's great experts on this issue. We put on an annual report that gives a snapshot. It is called Digital Terrorism and Hate. That is the project. Included over the last few years have been report cards, so we named names. For a number of years, Twitter would get an across-the-board F for doing nothing. Facebook has generally done a lot more than others, but they are grappling with 1.5 billion separate pages.

We have always felt, and continue to be convinced, that an important component of fighting this virus has to be Silicon Valley, the individual companies. They cannot and should not hide behind the First Amendment. They are in business. They are doing very nicely, thank you. I think increasingly, they recognize or have recognized some of their responsibilities, but they can do, in their way, a whole lot more than the combined membership of the U.S. House, Senate, and the Executive branch. They are very powerful. They have collectively created the most powerful marketing tool ever.

While after 9/11 we were extremely worried that our far right here would be mimicking the Islamists, well, it turns out that al-Qaeda and ISIS actually landed up mimicking our extremists when it came to the lone wolf. That was a U.S. idea, then was brought over to Yemen, and we know the results. But the internet empowers and validates the individuals, the conspiracies, et cetera.

It is not so much at this point passing new laws. We have to really insist that our partners here, the collective genius that is giving us all these bells and whistles and social media and beyond, they have to be directly involved in degrading the marketing capabilities of the bigots, both local, National, and globally.

Mr. THOMPSON. Thank you.

Mr. Cohen, what has been your experience with those individuals and organizations and their use of social media?

Mr. COHEN. Well, not surprisingly, you know, the hate exists now on the net. In 2008, when President Obama was elected, there were about 140,000 registered users on Stormfront, one of the oldest neo-Nazi websites. Today, there are over 330,000 registered users. It gives you some sense of kind-of the growth of it.

I would echo what Rabbi Cooper said about kind-of the digital platforms in the Silicon Valley. They are private businesses. They can do what they want. But all of them say in their terms of service that they are not going to allow hate. Sometimes they say that as merely a public relations ploy? Right. So we try to get them to live up to their terms of service, sometimes by embarrassing them publicly. PayPal, for example, was very slow to live up to its terms of service, but after Charlottesville, when they got some bad press, they did.

So, you know, we think it is important to recognize that hate is growing on the net. The anonymity, the ease of finding hate on the net fuels it, the echo chamber, as Rabbi Cooper said. I think it is critically important for groups like us, not so much the Government, but groups like us, to hold those companies to their terms of service.

Mr. THOMPSON. Thank you. I yield back.

Chairman MCCAUL. The Chair recognizes Mr. Perry.

Mr. PERRY. Thanks, Mr. Chairman. Thanks, gentlemen, for your attendance.

Mr. Cohen, I was looking at your organization's mission statement. It says the SPLC is dedicated to fighting hate and bigotry, among other things. I would say that probably every Member of this body agrees with you on those principles.

Where we seem to disagree is that, I think for most of us, certainly for myself, I don't quantify or qualify like some hate and bigotry is OK if it is this organization, but it is not OK if it is that organization. But it seems to me, in looking at your information—

Let me ask you this: Why does it seem there are no left-wing hate groups on your list? For example, on campus groups like Students for Justice in Palestine that have advocated for violence against Jews, why aren't they on your list?

Mr. COHEN. Well, I don't know about that particular group. I couldn't answer that question. There are left-wing groups on our list.

Mr. PERRY. Who are they?

Mr. COHEN. Well, first, it depends, of course, on what you mean by left-wing. But, you know, for example, the Nation of Islam, the New Black Panther Party are on our list. We also have certain anti-Semitic groups that identify with groups like ISIS.

So I think that it is not the case that our group doesn't include—our listing doesn't include any left-wing groups. We try to call hate as we see it. We limit our list, not by left versus right, but by groups that vilify others for issues or for factors such as race, ethnicity, sexual orientation, religion, or the like.

Mr. PERRY. So your group—your list also includes as hate groups mainstream, nonviolent public policy groups like the Family Research Council, and the public interest law firms like Alliance Defending Freedom, but it doesn't list antifa or other anarchist groups that actually call for—literally call for violence against individuals. Does that seem to comport?

To me, that reduces your credibility. Does it not to you?

Mr. COHEN. No. Let me speak to both of those issues, if I could, sir. You know, we list the Family Research Council, not because it opposes gay marriage, but because it relentlessly vilifies the LGBT community and demonizes them with known lies and propaganda. That is why we list them.

Mr. PERRY. But you don't list antifa.

Mr. COHEN. I was going to finish.

Mr. PERRY. OK.

Mr. COHEN. That is OK. Our listing of hate groups doesn't necessarily mean that they engage in violence, although we think that the anti-LGBT propaganda is one of the factors that makes the LGBT community in our country the most likely to be victimized by hate crimes.

If you are familiar with our work, we write about antifa often. We condemn their tactics. I have said so publicly, and we do so always. But antifa is not a group that vilifies people on the basis of race, ethnicity, religion, or the like.

Mr. PERRY. So you are OK with antifa, as long as they don't say things that you don't agree with, but it is OK if they hit people on the head with a bike lock or set things on fire or riot and flout the law by wearing face masks, and incite riotous—you are OK with that?

Mr. COHEN. Of course not. I said we condemn groups like antifa. We write about them often.

Mr. PERRY. But you don't list them.

Mr. COHEN. Could I finish?

Mr. PERRY. Yes, sir.

Mr. COHEN. We don't list them as hate groups.

Mr. PERRY. Are they on the hate map?

Mr. COHEN. No.

Mr. PERRY. OK.

Mr. COHEN. Because they are not—

Mr. PERRY. Let's move on here. Let's move on here.

Mr. COHEN. OK.

Mr. PERRY. Google revealed in a blog post that it is using machine language or learning regarding hate groups and events and is partnering with the SPLC and others in that regard. How does

the SPLC work with Google or its subsidiaries to modify search results of SPLC-designated people or groups?

Mr. COHEN. What we try to get Google to do is not prioritize hate groups. I will give you an example. A few years back, Google's algorithm was manipulated to have to rename the White House with a racist name. It used to be the case that when you would search for Holocaust or Jews, you would get a rash of information of anti-Semitic information. We try to bring these kinds of issues to their attention.

When Dylann Roof, for example, googled black-on-white crime, he didn't get FBI statistics telling him the truth of the matter. Instead, he got hate websites, such as that of the Council of Conservative Citizens. So we are trying to say to Google, your algorithm is flawed or easily manipulated to give people incorrect—

Mr. PERRY. But isn't that based on your opinion, sir?

Mr. COHEN. Well, I don't think there is any question but what Mr. Roof ran across when he googled black-on-white crime.

Mr. PERRY. What about when Mr. Corkins googled your website and then went and shot up the Family Research Council, including shooting an individual there, and then said that he was inspired by your website?

Mr. COHEN. Look, we are no more responsible for what Mr. Corkins did based on reading our website than Martin Scorsese is for what John Hinckley did.

Mr. PERRY. You are no more responsible, but yet Dylann Roof read whatever he read, and that is held as responsible for what he did.

I am not saying any of them are correct, but it seems like a breathtaking double standard of which you are used as a credible source for law enforcement and you are testifying in front of Congress, when it appears, obviously, that it is only your opinion that you base your hate groups and citations on.

Mr. COHEN. Well, it is our opinion. It is an opinion that I think has a tremendous amount of credibility.

Mr. PERRY. But no empirical evidence for data to back it up.

Mr. COHEN. I think that is incorrect. I think if you look at our hate group listing and look at the people who we list as hatemongers, that you would agree with 99 percent of them.

Mr. PERRY. Sir, my time has expired. I yield.

Chairman McCAUL. The gentleman yields back.

Mr. Correa from California.

Mr. CORREA. Thank you, Mr. Chairman and Ranking Member. I want to thank the gentlemen for being here today on this important issue of addressing terrorism, domestic terrorism, white supremacist terrorism.

Earlier, the earlier panel spoke and made some points about preparedness, what they were doing, what they were not doing. I would like to ask you essentially the same kind of questions, which is, from your perspective, is there something that the Federal Government, the FBI, that Homeland Security can be doing that we are not doing to address the issue of following these hate groups and making sure that they are not successful like they were in Oklahoma City?

Yes, I open it up for quick answers to that question from the three of you.

Mr. COHEN. I think there are a number of things that the Federal Government can and should do. One, I think institutionalizing a focus on the oldest form of terrorism that our country has seen. We don't want it to fall off, you know, the radar of the Federal agencies.

Mr. CORREA. Do you see it falling off the radar now?

Mr. COHEN. Well, I don't think there is any question but that it has, after 9/11, to one degree or another under both administrations. I think there has been a bipartisan failure to devote the attention that it deserves.

You know, I mentioned Senator Durbin's bill. There are other vehicles that could do that. One of the good features about Senator Durbin's bill is not only that it was required institutionalizing the focus on it, it also requires annual reports on the threat of white supremacist violence.

I know Mr. Rogers, who is not here today, there was a bill that went through this committee and was passed in the House talking about having annual reports on hate, on issues of terrorism. It should include a focus on domestic terrorism as well.

Mr. CORREA. I am glad to hear you say that, because Acting Secretary Duke just mentioned the blurring of that line. I think it is absolutely correct. You can't focus on one versus the other. You know, every American life is sacred. Like all life, we have got to make sure we go after every threat that there is to our citizenry.

Rabbi.

Rabbi COOPER. Congressman, I would like to come back to a point. I don't know about anyone else. I was very humbled and impressed by the first panel and how they have stepped up, over the course of the last 15 years, at a whole different level to protect our citizens.

But they were very careful to emphasize, at every opportunity, that they are not in the, "ideology business." When you start getting that level where you have that kind of power to find out what citizens are doing, it is a good idea to have that kind of red line and firewall between that kind of activity.

I think what this committee could look at, and certainly the Wiesenthal Center, and I am sure everyone here, NAACP, all of the NGO's, everyone involved with civil society, we stand ready to try to fill in some of that on a volunteer basis if there would be an appropriate, whether it is through the fusion centers, the appropriate platform to actually inform the various Federal, State, and local agencies about who is who in hate. Who are the players overseas who are impacting on individuals here, then go about threatening people in the local community? There is a lot of information that is available——

Mr. CORREA. See, that is a very interesting concept, because that is essentially what we need to do with the Googles, the Facebooks of the world, which is on a volunteer basis. We can't legislate to keep up with technology, but if we can figure out how to get these folks to step up and volunteer and say, this does not smell correctly, something is afoot here, maybe you can take part of that re-

sponsibility as well and help us help the Federal Government keep our citizens safe.

Rabbi COOPER. Well, I can already report to you that some of the most powerful companies in the Silicon Valley are always happy to see me leaving their offices. So we are there. I do think that there is an important role, a bridge role for this committee to help, you know, create the appropriate input platform and, you know, probably through the fusion center concept, to make sure that if we actually come up with important ideas, or if the NAACP has statistics that are not necessarily available to a local anti-hate crimes agency, I think it would help, you know, lift the efforts, make them more focused, and hopefully help protect Americans from the hate that we are now dealing with.

Mr. CORREA. Mr. Rausch.

Chief RAUSCH. I would just add in terms of the cooperation between the Federal, local, and State agencies, the JTTFs are vital. They are working together to address those things that you have concerns with. They are looking at the domestic terrorist.

My office, I have two officers assigned to the JTTF that specifically, that is what they do, is they look at our domestic terrorists working with our Federal partners. So they work very closely with them.

I also serve on the IACP's task force that is looking at enhancing law enforcement's response to hate crimes. One of the things that I suggested there is we look at tools that we need. I have talked with several prosecutors and asked them about what tools they could use to better our opportunity to go after these who are committing these hate crimes. What they said was they have a hard time proving ideology. Right? What is in the mind. Hard time proving that part of the statute. So they will charge them with the crime that they have committed, right, which would be maybe an assault or a vandalism or something of that nature. Then, you know, they said that they are easier able to get that conviction.

So the hate part is a little challenging. So what I have suggested is for your body to look at, similar to what we do with gangs, and that is make it an enhancement. Right? We charge the crime, but make hate an enhancing crime. So after you have charged them with the A crime, then you come back and, after you get that conviction, you come back and you enhance it with the hate crime. I think that would be much more effective, and you would see an increase in holding people accountable for their ideologies.

Mr. CORREA. Mr. Chair, I yield.

Chairman MCCAUL. The Chair recognizes Mr. Donovan.

Mr. DONOVAN. Thank you, Mr. Chairman.

Chief, I was the elected district attorney of Staten Island and indicted the very first hate crime on Staten Island in its history, and it resulted in my first death threat as well. So that was my reward for it. But I am still here, so—

Chief, as you heard, I was asking the FBI director about the whole idea of people disguising themselves with masks and crossing State lines to cause mayhem, whatever, in places, and how would codifying some of those prohibitions be helpful.

You were very successful, Chief, in the experience that you just described to us in your opening remarks. Is there a Federal codi-

fication of some of these things that you think—I think the Chairman asked, Chief, could other law enforcement agencies learn from your good experience. Do you think there are codifications that may be helpful to you and others who are trying to protect our Nation?

Chief RAUSCH. Yes, absolutely. I think looking at a couple of areas, and I know they are controversial, but I think it is important when you talk about these protests and where they have gotten today. You know, obviously, we shouldn't restrict a person's ability to express their opinion. I think, you know, we have got to be careful with that fine line as we talk about what is—what we do to limit a person's ability to express themselves.

But I think we also have to look out for the greater good and the safety of our communities. Covering your face for these events, clearly, as we have seen, is for one purpose and one purpose only, and that is to remain anonymous and have the ability to do whatever you want to do and to try to get away with it.

I was having a conversation as you all were on your voting, and that is, you know, if you think about it back to when you were a child and Halloween, masking up makes you anonymous. That is why children don't worry about throwing eggs at the neighbor's house or throwing toilet paper in the neighbor's tree, is because they are anonymous. So masking up clearly causes problems. I think, obviously, if there is something codification-wise that the Congress could do, I think that would be great.

The other area would be—I know this is controversial, and I will say it—but it is firearms. I think during these protests, the open carry of firearms, all it is, is adding gasoline to the fire. You are talking about emotional situations. People are emotional about their thoughts, and you are going to add in a firearm into that emotional powder keg.

So I think as you talk about how we regulate and how we ensure people have their First Amendment right to express themselves, we need to look about how we can do that where they can do it safely with proper regulation.

Mr. COHEN. Mr. Donovan, if I could.

Mr. DONOVAN. Yes, certainly, please, sir.

Mr. COHEN. You know, there were—we put out a video after Charlottesville and made it available to police officers, we will send out 50,000 free copies in January of it, about mistakes that were made in Charlottesville. I think there were mistakes that were made.

But as Chief Rausch says, they had a tremendous handicap, and that was the Virginia open carry law that prohibited towns, counties, and cities from having anything that would be contrary to the open carry law.

The University of Virginia could do it because it is an arm of the state. But the city of Charlottesville had its hands tied when people walked into that city with hate in their hearts and open guns. It is a real problem, and it is a problem in more than 30 States.

I would add, not to contradict anything that the chief said, but the history of mask laws in our country is complicated. You know, there is this notion that I should perhaps be able to protest anonymously in order to protect myself from retaliation for expressing an unpopular view. I can't tell you I know what the state of the law

is today. It may vary under the circumstances, but it is not an uncomplicated point.

Mr. DONOVAN. Thank you.

Are there any other, Rabbi, situations that were described earlier, the tragedies that we have experienced in our country, maybe the more recent ones, do you see any other things, mistakes that may have happened if we had something in place, may have prevented some of the harm that was created?

Rabbi COOPER. I think the key, we heard from the first panel, is intelligence, information, and access of that information to the people, especially to local hate crimes units. They have an incredible learning curve they have to master as they are thrown in from other arenas in order to be able to deal with the hate and hate groups in their communities. So they could certainly use some more help, but I just wanted to actually say something positive, if I may.

Mr. DONOVAN. Sure.

Rabbi COOPER. That is that the concept of hate crime is always under assault. The concept is under assault. Saying, well, someone is raped; they are raped. If they break a window, so you pay. But I think whether you are talking to African Americans or Jews or other minorities, when someone in your community is attacked, and it may only, you know, bring about the breaking of a \$100 window, when that takes place during a Friday night service or in a church or in a school, an entire community is impacted.

Hate crimes has not been universally embraced as a society idea or as a legal concept in other democracies, and is always being sniped at here in the States by a variety of individuals. So I think keeping focus on it, keeping the level playing field, so whether it is from the left or the right, you have to make sure it is not being used, you know, to bludgeon one political point or another. I think it is an extremely important and powerful tool that gives a sense of, not so much redress, but when a community is hurting, they get the message that the rest of the community is generally with them. That is part of an important healing process and one of the ways of keeping social peace.

Mr. DONOVAN. You are right about the attitude toward hate crimes. As I said, I was in office for 3 weeks when we indicted—and we indicted a Caucasian man for viciously assaulting another Caucasian young man who happened to be in the company of a black woman. Thank you.

Mr. PERRY [presiding]. The Chair thanks the gentleman from New York.

The Chair recognizes the gentleman from Rhode Island, Mr. Langevin.

Mr. LANGEVIN. Thank you, Mr. Chairman. I want to thank all of our witnesses for being here today.

In follow-up on the firearm discussion just a moment ago with respect to how weapons have complicated some of these situations, each of you did highlight in your testimony the threat of domestic extremists and terrorism. In recent domestic terrorist attacks, such as the incidents in Las Vegas, Orlando, and Sutherland Springs, firearms have been the weapon of choice. So what steps should Congress take to ensure that firearms don't end up in the hands of terrorists? Let's start with Mr. Cohen.

Mr. COHEN. I would defer to the chief on this one, if I could.

Chief RAUSCH. That is a great question. I am not sure there is an easy answer to that. I think that—you know, clearly, I think the challenge we have in background checks, as we have seen, the system is flawed at best. So I think that is probably our first step, is tightening up the background check process to ensure that it is what it is supposed to be. When you can identify somebody that is a member of an organization, if you can identify that, that is another part of that challenge.

It is a difficult situation. I think we have to be careful. I know that, you know, there is some legislation moving now about reciprocity of moving guns across borders in terms of hand gun reciprocity, hand gun carry. That is a challenge. You know, not every State has the same level of restriction in terms of who can carry a firearm. So that is concerning to those of us in law enforcement.

So I would tell you that I would—I am not the perfect expert on that, I don't think. I tell you, it is a challenging topic, and I would tell you we have got to do better than what we are doing now.

Mr. LANGEVIN. I agree with you, and you are on the front lines. I agree with your answers, and I appreciate your perspective in the job you are doing to try to keep us all safe.

Let me turn to Mr. Cohen. In the recent election, Russia utilized social media to influence and interfere with our democratic process, demonstrating how a properly orchestrated on-line campaign can leverage a small investment into an outsized effect. How have we seen domestic terrorist groups utilize the same tools and methods to spread their message?

Mr. COHEN. Look, all of these groups that we talk about are very, very active on social media because it is easy. Before Charlottesville, the message went out to white supremacists throughout the country to come and gather there. I think it was obvious, prior to the event, that there were going to be hundreds of white supremacists at that event.

So, you know, as the Rabbi said, any—a local thing can quickly become National in scope or global in scope with a click of a button. I don't think there is any easy answer to deal with that.

Mr. LANGEVIN. Thank you.

Rabbi COOPER. I would like to just add to that. We have been talking to the companies about these issues for well over a decade. Let's be honest, the ads, the digital ads, basically an ATM machine, just for money making. When we brought—the first case we brought to them was when a couple of ads for a Hezbollah-sponsored game that kids could get ahold of, I think, showed up on a *Washington Post* just as a bot. You know, just showed up on various locations, undertakings from a known terrorist group. So the particular company in mind did figure out a way to remove it.

I hate to keep coming back to it, but if we are talking about ads and the impact of ads, the bad players are looking at each other out there and saying, well, look, this looks like an easy mark. If we invest a certain amount of money, we are going to be able to get our message into the mainstream directly to the kind of audience we are looking for. Obviously, Hezbollah is not a state player, and you get Russia much more sophisticated with its own view. I think a great deal of this responsibility comes right back at other

companies. To a certain extent, it also comes right back to the consumer.

I will just give you one other example to think about because these are not easy issues. One of the companies around a short-term project in which they sent emails to teenagers saying that, we have reason to believe you may be a target of on-line bullying. We hope if that is true, you are talking to an adult, your parent, whatever. But if you need help, email us and we will send you a list of resources that you can turn to.

Now, at first blush, that is a great idea. But you think about it, you ask yourself one question, how does this company know that this teenager has been bullied? Sort-of like the unaddressed issue here is that the collect—these companies, not because they forced anyone, because we gave the information voluntarily, know a lot more about predictive behavior than maybe some of our own Federal agencies. They don't like to talk about it. It is not a Big Brother mentality, they are out to make money, but the potential is always there. When you have a bad player like Russia understanding that potential and manipulating it, the next time it could be another victim, it may be from another state player or a non-state player.

Mr. LANGEVIN. Great insights. I appreciate you all for being here today. Thank you for your testimony.

My time has expired, so I yield back the balance of my time.

Mr. PERRY. The Chair thanks the gentleman, Mr. Langevin.

The Chair now recognizes the gentleman from Louisiana, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman.

Rabbi Cooper, I am going to speak on the connection between domestic extremism and international terrorism, specifically the BDS movement, the Boycott, Divestment, and Sanction movements that attempt to shut down peaceful support of Israel are connected—my studies show are connected with international terrorism movements.

What connections have you seen, sir, can you refer to between BDS groups and a global terrorist and anti-Israel movement?

Rabbi COOPER. Well, you know, there is no question that since BDS movements, Boycott, Divestment—in its current form. Back in the late 20th Century, this kind of approach was used to great effect to pressure the apartheid regime in South Africa. I happened to be present as a delegate in 2001, just before 9/11, at the U.N. conference against racism where the mantle was transferred; not the halo, but the opposite. The new devil was the state of Israel. That approach of demonizing a democracy, our ally, has been part and parcel of antipeace forces of Hezbollah, of Hamas, of Iran, and others.

Mr. HIGGINS. Did you see that connection between domestic BDS movements and international terrorism?

Rabbi COOPER. Right. The connection may not always be operational, but these are not movements that came, you know, out of the thin air.

I will give one other example, if I may. There is a piece of potential legislation before the House right now called the Palestinian Children's Protection Act. That basically, if it went into law, would

say that the United States would reduce aid to Israel if it caused any violence to any Palestinian under the age of 18, even if they were involved in a terrorist act.

Now, that did not come out of thin air either. There is now, and you might say in honor of Israel's upcoming 70th birthday or the 70th anniversary of Nakba, you have new themes that are being brought forward in the international community and right here in the halls of Congress. Again, they don't come from thin air. It is part of an overall global campaign to demonize the Jewish state. That is a part of the reality that we are struggling against. Our own State Department has recognized that some of these efforts do cross the line from legitimate criticism of a state or of a group of people into hate and anti-Semitism.

Mr. HIGGINS. Thank you for your very thorough answer.

In the interest of time, Mr. Cohen, I would like to—I have further concerns, but the constraints of time will not allow me to address them, so I am going to jump into money, sir.

The Southern Poverty Law Center is—the IRS recognizes SPLC as a nonprofit, tax-exempt organization. Is that correct?

Mr. COHEN. It is.

Mr. HIGGINS. Since SPLC is not subject to taxation, why would there be a need for the SPLC to have offshore accounts reported up to \$69 million in areas like the Cayman Islands? As a tax-exempt nonprofit organization, the SPLC has no need for lawful tax avoidance, so what would be the legitimate reason that the SPLC would have millions and millions of dollars deposited in offshore accounts?

Mr. COHEN. I appreciate the question. I think there has been some confusion in the press about this. It is common for nonprofit organizations, including universities, big foundations, to have money in offshore accounts. It avoids two things. First, it avoids a lot of certain kinds of filings, and it avoids unrelated business income tax. If I could finish very quickly.

Mr. HIGGINS. I appreciate your answer.

Will you state before this Congressional committee definitively that all SPLC funds are received, held, and used for lawful purposes under U.S. law?

Mr. COHEN. I will.

Mr. HIGGINS. Thank you. Does the SPLC receive foreign money?

Mr. COHEN. Not that I know of. We may have had some donors in foreign countries. I am sure we have some donors in England, for example, but we don't receive any money from governments, including the U.S. Government.

Mr. HIGGINS. Final question. Has the SPLC received money from any individual, entity, or organization that the State Department or Treasury Department has identified as connected to organized crime or terrorism?

Mr. COHEN. Not that I know of, of course.

Mr. HIGGINS. Not that you know of. Would you be prepared to present a full report regarding that?

Mr. COHEN. No. I don't think we are going to present a listing of all of our donors to this committee or any other.

Mr. HIGGINS. I am specifically asking about donors that may have been identified by the U.S. Government as terrorist organizations or international crime—

Mr. COHEN. I am not sure—Mr. Higgins, if you have some information that makes you think that, I would be happy to check into it.

Mr. HIGGINS. That is what I am asking, sir.

Mr. COHEN. Well, if you have some information that tells you that that is a possibility, I would want to look into it, because we would not want to do that.

Mr. HIGGINS. Are you suggesting that I provide your organization with your data on—

Mr. COHEN. No. No. What I was suggesting was that if you think that we get money from, you know, criminal sources, I have no knowledge of that. I would appreciate your letting me know who you think it is who is giving us money who we shouldn't.

Mr. HIGGINS. Mr. Chairman, in the interest of time, I would like to submit in writing further questioning for the panel. I yield back.

Mr. PERRY. Without objection.

The Chair thanks the gentleman from Louisiana.

The Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chair.

First, allow me to introduce into the record a letter from 53 members of the civil rights—the civil rights community—coalition of 53 civil rights and civil liberties groups. I ask unanimous consent to submit this statement in the record.

Hello?

OK. I need to get extra time because—

Mr. PERRY. I am sorry. Without objection.*

Ms. JACKSON LEE. OK. So I need some extra time on that. Thank you so very much.

Let me also express my disappointment that the NAACP was not able to testify and that their invitation was issued less than 24 hours prior to the hearing, and the late notice has kept them from participating.

I want to acknowledge the new president of the NAACP, who is a stellar leader on civil rights issues, Mr. Derrick Johnson. His voice needs to be heard in this committee, and I certainly hope that we will have the opportunity to hear from him as soon as possible.

Let me go quickly to our very esteemed guests. Rabbi, first of all, allow me to acknowledge Simon Wiesenthal and this center and to put on the record that he lost 89 members of his family. We have known of the center both in Texas but in the Nation. I cannot thank you for the non-violent approach that you have taken, and the peaceful approach you have taken but the firm approach that you have taken against anti-Semitism, which certainly is both related and it's a deafening sound in this Nation.

So my question to you is, basically, in an area where I have worked, and that is the attack on religious institutions or religious-affiliated community centers. We have had circumstances like that in Texas. My question to you is how can Congress be stronger on

*The information has been retained in committee files.

protecting those religious affiliated institutions who welcome all of us? There is not one of us that has not been in a synagogue and have been welcomed, and I might say and you know, in a mosque and have been welcomed, because I know how your center works. How can we protect these facilities?

Rabbi COOPER. You know, I think we are at an interesting cross-road in America, because you can also add churches.

Ms. JACKSON LEE. Absolutely. I have worked on those issues.

Rabbi COOPER. Houses of worship are, in America, by definition, community centers, and that is one of the key points that bigots, racists, and anti-Semites, and terrorists understand. That makes—that automatically puts them on the front line.

I have read with great sympathy the, you know, church leaders who are trying to decide whether or not they have to put perimeter security in their houses of worship. For us, it hasn't been an option. I would imagine that for African Americans, because of the reality of racist hate crimes in this country, it is not really an option.

At the end of the day, as we hear it now more as ISIS is being defeated on the battlefield, that the ultimate victory will only be when we defeat the ideas that fuel and feed the terrorists. The truth is that it is not so much on Congress, it is on Americans to try to come together and figure out ways how to drain the swamp of hatred, how to learn, you know, to act together in concert, even though we may have different ways of praying or different political views.

Ms. JACKSON LEE. Thank you.

Rabbi COOPER. That is not something you can legislate; that is on us.

Ms. JACKSON LEE. I take you up on that. That is certainly the reflection of the greatness of the center.

Let me pose my two questions. I ask the Chairman to indulge me for the time that I might have lost. So I will pose the two questions, first to the chief. Thank you so very much.

Chief, you may have known that we were in Judiciary with a reciprocal concealed weapons bill. Thank you to the Major Chiefs for their letter.

So I think the way I will pose the question on the issue of guns is that the proliferation of such guns do make it a little more dangerous. I take, for example, the individual that attacked the church in Charleston, South Carolina. That is the question I am going to ask you. I also made mention in Judiciary of my concern for law enforcement officers.

The question I have for—Mr. Cohen, first of all, thank you for your work. You were trying to explain that antifa, in your view, does not spew anti-anybody. They come dressed as they do, but they are dealing with the justice issues and trying to protect. So my question to you is, what tone is set when the leader of the free world offers or spews out words such as son of a Bs or uses a video of alt-right and neo-Nazi so much that the world condemns that utilization? What tone is set? How do we thwart that as people, because I believe America is a great Nation?

Chief, would you comment on the question I asked you? Then if I could allow Mr. Cohen to answer his question.

Thank you so very much.

Chief RAUSCH. Yes, ma'am. Thank you. So in terms of guns, I think, first and foremost, all law enforcement will tell you responsible gun ownership is what we expect.

Ms. JACKSON LEE. Absolutely.

Chief RAUSCH. Unfortunately, what we have seen in many communities throughout the country, and we have seen it in our State, and that is the relaxation of gun laws and allowing guns everywhere at any time. You know, the Heller decision by the Supreme Court said that there can be reasonable regulation.

Ms. JACKSON LEE. Yes.

Chief RAUSCH. That is what we should have. We have seen an increase, since the Castle doctrine was moved from the home to the car in Tennessee, we have seen an increase in gun violence. We have seen more guns stolen out of vehicles. Because, again, responsible gun ownership also means keeping it safe from other people. So we have seen an increase in guns being stolen. We have seen an increase in shootings in our community ever since that law was changed.

So I think we have got to be—we have got to be more methodical in how we regulate our firearms, and that is a challenge that I would put before you and Congress. I thank you.

Ms. JACKSON LEE. Thank you, Chief.

Mr. Cohen.

Mr. COHEN. Briefly, I would agree with Rabbi Cooper that it is the responsibility of each and every person in our country to drain the swamp of hate. But I would add that it would help a lot if the person who has the biggest bully pulpit in our country were to take the lead in consistently condemning hate rather than energizing it.

Ms. JACKSON LEE. I join you in that. I would like to make a commitment that personally and I know many of my colleagues will join you in standing up against hate. We thank you for the testimony.

Mr. Chairman, I thank you for yielding to me. I yield back.

Mr. PERRY. The Chair thanks the gentlelady.

The Chair now recognizes the gentleman from Virginia, Mr. Garrett.

Mr. GARRETT. Thank you, Mr. Chairman.

I want to hit on a few things, and I hate to be constrained so by time, but each other Member has as well. First, I would commend the chief on his suggestion as it relates to criminal enhancements for certain things. I think we have a criminal justice situation in this country that begs reform. We are happy to be moving in a bipartisan manner toward that. We don't necessarily need new crimes; we need to enforce the ones that are on the books, but an enhancement makes real sense. It is not giving you that burden at trial.

Second, the masked discussions, the guns discussions, et cetera, I am loathed in this body to suggest a Federal legislative answer to what should be doctrinally and Federalism-wise a State-level or a local-level problem. Now, I am sympathetic to the arguments made by the folks on the panel that, indeed, localities and States should be empowered to make these decisions for themselves, but I would hate, and I can assure you I would not vote in favor of a

Federal mask law. It is draconian in its nature and perhaps in its application and I don't even want to contemplate it.

Having said that, I have no problem with the locality enforcing time, place, manner of restrictions on otherwise protected rights.

Tertiarily, Rabbi Cooper, I would correct you in respect where you say Hezbollah is not a state actor, but for the IRGC in Iran there is no Hezbollah. Hezbollah came to be 3 years after the Iranian revolution, and while they are not a direct state actor—

Rabbi COOPER. They are an actor of a state.

Mr. GARRETT. Yes, sir. Again, that is with all due respect and no disrespect intended.

To Mr. Cohen, you gave a number of users of the website Stormfront, which is a Nazi affiliate, a national socialist-affiliated website, prior to and after the Obama administration. Do you remember those numbers off the top of your head?

Mr. COHEN. I do.

Mr. GARRETT. What were they?

Mr. COHEN. In 2008, it was 140,000 registered users.

Mr. GARRETT. Yes, sir.

Mr. COHEN. Today, over 330,000. That doesn't mean—there are many millions of visitors—

Mr. GARRETT. I have got so little time. I am not trying to be rude. Right, you have got million of visitors, but you have almost doubled your registration. We wouldn't prescribe that, though, that is not a result of the Obama administration?

Mr. COHEN. Oh, no, no, no, no, no. As I said, it is the continuing backlash to our country's changing demographics.

Mr. GARRETT. Well, I think that is your opinion.

Mr. COHEN. That is correct.

Mr. GARRETT. Again, with due respect. So are you familiar what type of organization is the most prominent and preeminent numerically on your hate watch list of 900 and some-odd groups?

Mr. COHEN. I think it would probably be the Daily Storm or the Nation of Islam.

Mr. GARRETT. No. I mean, by number, how many—

Mr. COHEN. That is what I was trying to answer.

Mr. GARRETT. I am sorry. Go ahead, real quick.

Mr. COHEN. I was saying it would probably—the current count would probably be the Daily Storm or the Nation of Islam.

Mr. GARRETT. So by definition on your list, about 22 percent of the entire list are Black separatist groups?

Mr. COHEN. That is correct.

Mr. GARRETT. Again, I don't—look, hate is hate is hate is hate is hate.

Mr. COHEN. I agree.

Mr. GARRETT. When we move to put in a law to make Barbara Johns Day a holiday in Virginia, one of my colleagues said that is Black history. I said, you can't have it, that is American history. We need to know that.

Simon Wiesenthal, I think, was wise in his words to suggest that, for our benefit, we should learn from the Jewish tragedy because the next victims very well may not well be Jewish. So that is the point that I make that there was been an uptick. In fact, in

2000, the number of Black separatist groups was about $\frac{1}{12}$ of your list. Is that about right?

Mr. COHEN. I don't remember the ratio.

Mr. GARRETT. Well, off your website, it would indicate that 48 out of 610 extremist groups listed by Hate Watch in 2000 were Black separatists, and now it is almost 200 out of about 900.

Mr. COHEN. Right. We report those numbers—

Mr. GARRETT. Again, this isn't President Obama's fault.

Mr. COHEN. Well, I mean—

Mr. GARRETT. It is not, is it? I mean, I don't think it is.

Mr. COHEN. I wasn't claiming it was his fault. I was trying to explain.

Mr. GARRETT. Well, I guess what I am suggesting is that there is no doubt, right, that there are real, live, living, breathing Nazis. Tragically, we saw them in my Congressional district. But to ascribe the presence of despicable, reprehensible individuals who can't grasp the basic concept of Dr. King's premise that we should judge individuals based on the content of their character, not the color of their skin, but to say, well, this is because of the rhetoric of one individual, I think, oversimplifies the problem. Correct?

Mr. COHEN. Well, I am not sure I—I am not sure I was guilty of what you are suggesting.

Mr. GARRETT. I am not suggesting you were. If someone were to say that the prevalence of these groups is because the rhetoric of one individual, that would be oversimplifying the problem. Would it not?

Mr. COHEN. Depending on the individual. I think—

Mr. GARRETT. So here is my concern, because what your organization has done and done well is attack evil in the form of things like the Klan. However, would you be shocked if I told you that from the public records, as it relates to the leadership of your organization, the political giving is almost exclusively and to the tune of almost 100 percent in one direction? Would that surprise you?

Mr. COHEN. I don't think it is accurate.

Mr. GARRETT. If I were to tell you that it were, would that surprise you?

Mr. COHEN. It would. We have many Republican donors of—

Mr. GARRETT. No, no, no, no, sir. I am talking about the gifts from the people in your organization to political causes.

Mr. COHEN. Oh, I think that is absolutely true. I am sure that is right.

Mr. GARRETT. OK.

Mr. COHEN. There are not that many people in Southern Poverty Law Center who make political contributions.

Mr. GARRETT. But some do.

Mr. COHEN. Sure.

Mr. GARRETT. It wouldn't surprise you to learn that they were almost exclusively in one direction?

Mr. COHEN. It would not.

Mr. GARRETT. OK. You have worked with other groups, for example, Media Matters, the Center for New Community, and ReThink Media, to come up with lists. Correct?

Mr. COHEN. We have.

Mr. GARRETT. OK. Would it surprise you if I were to tell you that, based on public records, the political giving of the leadership of those organizations was also almost exclusively in one direction?

Mr. COHEN. No, it would not.

Mr. GARRETT. OK. Would you contest the assertion, and I would categorize national—

Mr. COHEN. You haven't given up your days as a trial lawyer, have you, Mr. Garrett? Go ahead.

Mr. GARRETT. No, sir. But again, it is an interesting paradigm I find myself in because I respect what you do.

Mr. COHEN. Thank you.

Mr. GARRETT. I am concerned with how you are doing it. Here is where I am going with this.

Mr. COHEN. Please.

Mr. GARRETT. I think it is a fair historical fact to say that the deadliest collective force in human history, probably just after national socialism, would be communism, which inarguably is a dogma of the left. I am not ascribing values to anyone. I am suggesting, however, that it troubles those to see an entity that has essentially been de facto made responsible for determining what is and isn't hate that skews almost exclusively, as do their collaborators, in a particular direction.

So I guess I admonish you to listen to folks like Mr. Perry who says—I don't even remember the name of the organization—are you familiar with them and become familiar with them. Now—

Mr. COHEN. I am not sure who you are talking about, Mr. Perry. I am sorry.

Oh, I am sorry, Congressman.

Mr. GARRETT. It is OK. So let me finish.

Mr. COHEN. Please.

Mr. GARRETT. Because I have just kind of poked at you—

Mr. COHEN. Just a little bit.

Mr. GARRETT [continuing]. But it is not with malice.

You deserve credit at SPLC for being the first group to point out, for example, that Jason Kessler, who was the organizer of the Unite the Right rally, with which I would take exception to the name, because, again, I am an individualist in the Randian sense. I think the individual is the ultimate minority, and everyone has the right to be left alone, so long as they are not hurting someone else. But you were the first people to point out that his previous affiliations have been with the Occupy movement, and you deserve credit for that. Right? So I hope and ask that you recognize that hatred in any form is hatred, that violence in any form is violence, and that victims in any form are victims.

Mr. COHEN. We always have.

Mr. GARRETT. I encourage you to continue to, but the perception by outside individuals, and I think based on life experience, is that if all the leadership of an organization skews in a particular political direction, there might be a bias, which then gives rise to a lack of credibility for what you do that should be important work. Do you understand why that might be a concern?

Mr. COHEN. I understand why it is a concern to you.

Mr. GARRETT. Well, do you understand why that might be a concern to people?

Mr. COHEN. Well, look, look, you know, the liberal tradition is an inclusive one. Hate is the opposite of that liberal tradition of inclusivity. So it is not surprising to me that people at the Southern Poverty Law Center, people at other inclusive organizations, tend to give money to liberal organizations. It seems obvious to me.

Mr. GARRETT. Well, again, we could sit and discuss the origins of classical liberalism versus modern liberalism all day long, but my life philosophy is treat everyone as you would want to be treated.

Mr. COHEN. Of course.

Mr. GARRETT. And do no harm.

Mr. COHEN. Absolutely.

Mr. GARRETT. And that the Jeffersonian concept of liberty should be adhered to, which is so long as you are not hurting someone else, who cares who you sleep with, who cares how you worship, et cetera, et cetera. But it strikes me, as I look at the groups that are chosen, Liberty Counsel, Family Research Council—

Mr. COHEN. Yes, yes.

Mr. GARRETT. When Flanagan walks in with Chick-fil-a sandwiches to rub in the faces of his victims, that is not your fault?

Mr. COHEN. That is absolutely true.

Mr. GARRETT. But I mean, you know, I would hope that the important work you do not be co-opted by an any ideological drive that causes you to miss other threats.

Mr. COHEN. Well, I appreciate your concern about our work. I am sure that if you knew as much as we did about the Family Research Council, you too would keep them at arm's length.

Mr. GARRETT. Well, I am way over time. I would love to have the opportunity to sit and talk more. I thank all three of the panelists.

Mr. COHEN. I look forward to seeing you in Charlottesville.

Mr. GARRETT. Yes. And invite you guys to come by the office any time. Give me a little bit of an advanced notice so I can make sure I can be there.

But thank you, Mr. Chairman, for your indulgence.

Mr. PERRY. The Chair thanks the gentleman. I thank the witnesses for their testimony and the Members for their questions.

The Members of the committee may have some additional questions for the witnesses, and we will ask you to respond to these or those questions in writing.

The Chair recognizes the Ranking Member.

Mr. THOMPSON. Thank you very much.

I would like to include in the record, and ask unanimous consent to do so, a statement from the Council on American-Islamic Relations.

Mr. PERRY. Without objection.

[The information follows:]

STATEMENT SUBMITTED FOR THE RECORD BY RANKING MEMBER
BENNIE G. THOMPSON

STATEMENT OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS (CAIR)

NOVEMBER 30, 2017

Chairman McCaul and Ranking Member Thompson, thank you for the opportunity to submit this testimony to the record of today's hearing on keeping our Na-

tion safe. While there are many substantive issues to discuss, we will focus this brief testimony on Countering Violent Extremism Programs.

We do this in response to growing Congressional calls to expand CVE to include white supremacist groups. Such a move would only serve to legitimate a program that actively surveils, profiles, censors, and divides the American Muslim community.

In September, more than a dozen national Arab, Middle Eastern, Muslim, and South Asian civil liberties and human rights organizations, and more than 20 activists, academics, and community leaders joined in signing a statement opposing the expansion of the Federal Government's Countering Violent Extremism (CVE) program.¹ In the same period, the Brennan Center for Justice, along with more than 50 other human rights, civil liberties, and community-based organizations sent a letter urging leadership in the House of Representatives and the Senate to reject proposals to expand existing CVE programs to focus on white supremacist extremism.²

Years of research has failed to determine any set of characteristics that identifies pre-terrorists.—While academic interviews with people who have committed terrorist acts have resulted in a set of characteristics that describe each individual person, they have not produced a profile or any evidence-based set of predictive characteristics.³

In its 2016 Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States, the Department of Homeland Security conceded, “There is no single cause of or pathway to violent extremism.”

The FBI's Strategic Plan to Curb Violent Extremism, obtained via a Freedom of Information Act request by the Brennan Center for Justice, concurs: “There is neither one path or personality type, which is prone to adopting extremist views of exhibiting violent tendencies, nor is there a singular path or personality that leaves an individual vulnerable to others who may seek to impress these views or tendencies upon them. There are no individually unique behavioral changes for those who mobilize to violent extremism.”

CVE program results are “not easy to quantify” and “lack meaningful metrics.”—A May 2014 National Counterterrorism Center (NCTC) document notes that the impact of CVE programs is “not easy to quantify.” After making this qualification, the document's authors offer a scoring system for measuring an individual's susceptibility to violent extremism. These include measures such as “Parent-Child Bonding, Empathic Connection,” “Presence of Emotional or Verbal Conflict in Family” and “Talk of Harming Self or Others.” These measures likely encompass most American families at some point, rendering them near useless for the stated goal.

Other measures in the NCTC document, such as “Family Involvement in Community Cultural and Religious Activities,” are problematic as the person filling out the form may subjectively perceive mosque attendance itself as a risk factor.

In 2016, the National Security Critical Issues Task Force at Georgetown University's Center for Security Studies concluded, “the lack of meaningful metrics to evaluate CVE initiatives complicates evidence-based program design and funding.”⁴

Labeling routine community programming as CVE is problematic and stigmatizing.—A Government program to combat terrorism disbursed \$300,000 in CVE

¹Council on American-Islamic Relations. “Groups, activists say expanding CVE to include white supremacists hurts Muslims,” 9/07/2017, available at: <https://www.cair.com/press-center/press-releases/14587-groups-activists-say-expanding-cve-to-include-white-supremacists-hurts-muslim-communities.html>.

²Ibid. Original letter available at: <https://www.brennancenter.org/analysis/citing-civil-liberties-concerns-brennan-center-and-over-50-groups-oppose-expanding-countering>.

³Additional examples: “The profiles of individuals involved in ISIS-related activities in the U.S. differ widely in race, age, social class, education, and family background. Their motivations are equally diverse and defy easy analysis.” Lorenzo Vidino and Seamus Hughes. *ISIS in America: from retweets to Raqqa*, George Washington University Program on Extremism, December 2015, available at <https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/ISIS%20in%20America%20-%20Full%20Report.pdf>. Also, “Tools that purport to have a psychology evidence base are being developed and placed under statutory duty while their ‘science’ has not been subjected to proper scientific scrutiny or public critique.” Karen Armstrong et al. *Anti-Radicalization Strategy Lacks Evidence Based in Science*, The Guardian, September 28, 2016, available at: <https://www.theguardian.com/politics/2016/sep/29/anti-radicalisation-strategy-lacks-evidence-base-in-science>. Also, the recommendation that the UK government “End the use of empirically unsupported indicators of vulnerability to being drawn into terrorism.” Amrit Singh. *Eroding Trust: The UK's Prevent Counter-Extremism Strategy in Health and Education*, Open Society Justice Initiative, 2016, available at https://www.opensocietyfoundations.org/sites/default/files/eroding-trust-20161017_0.pdf.

⁴Challgren et al. “Countering Violent Extremism: applying the public health model.” October 2016, available at: <http://georgetownsecuritystudiesreview.org/wp-content/uploads/2016/10/NSCITF-Report-on-Countering-Violent-Extremism.pdf>.

funds to Minnesota community groups in March 2016. The funded projects included “youth sports activities,” “soccer and Somali arts classes for male students,” and efforts to “engage youth” and “address the stigma of mental illness.”⁵

These are important, yet wholly standard community development programs for the empowerment of marginalized and disadvantaged people. Such fundamental services should not be securitized and classified as CVE. Doing so unfairly implies that the participants are an inherent threat to National security.

Most simply stated, “Why does ‘soccer and Somali arts classes for male students’ constitute a counter-terror program, but the same thing for white youth is simply soccer and art classes?”

While appealing in concept, once its problematic details emerge community leaders frequently pull away from CVE.—In all three Obama administration CVE pilot cities, local community leaders who support efforts to secure our Nation and engaged in the U.S. attorney-led meetings aimed at shaping local CVE frameworks distanced themselves from the project as they formed a deeper understanding of its problematic realities.

In Los Angeles, both the Islamic Shura Council of Southern California, an umbrella organization of Mosques and Muslim organizations serving the Muslims of Southern California, and the Muslim Students Association of the West Coast (MSA West), with 27 Muslim Student Associations of West Coast universities as signatories, voted to oppose the narrow scope of the Federal Government’s CVE program.

In Minnesota, almost 50 Muslim organizations signed on to a statement urging law enforcement to “consider our grave concerns about the Government’s proposed [CVE] pilot program in Minnesota and discontinue this stigmatizing, divisive, and ineffective initiative.”

A “top leader of Boston’s Muslim community” opted against the local framework because it targeted only the American Muslim community and was “founded on the premise that your faith determines your propensity toward violence.”

The United States Council of Muslim Organizations (USCMO), a coalition of leading National and local Muslim organizations, gathered some 50 U.S. Muslim leaders at a full day forum on CVE that included presentations by both Government and civil liberties representatives. Following a discussion of the information presented, the council issued a statement that in part said, “Given the low-level of confidence in Government-led CVE, the USCMO believes it is best to identify and support community-driven best practices.”

Opposition to the U.S. Government’s CVE initiative does not mean ignoring threats.—Opposition to violent extremism is consistent among American Muslim leadership. Former FBI Director Comey, former U.S. Attorney General Holder, former FBI director Mueller and former National Counterterrorism Center Director Leiter have all acknowledged this opposition.⁶

CAIR specifically is a natural enemy of violent extremists. Our record of success discredits violent extremist arguments that minorities cannot receive fair treatment in our Nation. Our statements and actions opposing those groups and individuals who claim Islam sanctions terrorism contributed to ISIS including CAIR’s National Executive Director among a short-list of Western Muslim leaders it wants assassinated.

CONSIDERATIONS FOR LEGISLATORS

Follow investigative leads, do not police ideology.—Government and other programs to counter violent extremism which incorporate steps for “intervention” can too easily slip into policing ideology. The Establishment Clause prohibits any Governmental vilification or endorsement of a particular religious ideology. The Government should avoid involvement in questions as to which religious ideologies are acceptable as this defies the First Amendment.

⁵Amy Forliti. “6 Somali organizations receive grants to combat terrorism,” Associated Press, March 10, 2016, <https://www.mprnews.org/story/2016/03/10/six-somali-groups-grants-combat-terrorism>.

⁶FBI Director Comey: “They do not want people committing violence, either in their community or in the name of their faith, and so some of our most productive relationships are with people who see things and tell us things who happen to be Muslim.” Source: Huffington Post, 6/16/2016. Former FBI Director Mueller: “Many of our cases are a result of the cooperation from the Muslim community in the United States.” Source: FBI Director Robert Mueller’s 2008 testimony before the House Judiciary Committee. Former Attorney General Holder: “Muslim cooperation ‘has been absolutely essential in identifying, and preventing, terrorist threats.’” Source: Attorney General Eric Holder’s December 10, 2010, speech to the Muslim Advocates’ Annual Dinner. Former National Counterterrorism Center Director Leiter: “Many of our tips to uncover active terrorist plots in the United States have come from the Muslim community.” Source: February 9, 2011 hearing before the House Homeland Security Committee.

Empower law enforcement to investigate cases where there is evidence of criminal wrongdoing.—Rather than sifting through an entire minority population looking for pre-terrorists, law enforcement should focus on investigating cases where there is evidence of wrongdoing. Checklists of risk factors have no foundation in scientific research. Expecting teachers, mental health professional and other social service providers in identifying pre-terrorists is problematic. Trained FBI agents missed the Boston Marathon bombers and the Orlando Pulse shooter, even though they had investigated both. All this overbroad action will do is produce a mass of false positives. Additionally, placing social service provider into positions of being de facto law enforcement undermines the common trust put in those positions.

Preserve free speech.—Free Speech, even when despicable, should be permitted. In the absence of an implied or inferred threat, speech in and of itself should not trigger a report to law enforcement. Community leaders should prepare for difficult conversations in advance. Isolating an at-risk individual, for instance by banning him or her from a facility without any attempt at engaging him or her, may simply drive the individual underground. Subjecting an individual's views to debate can help them to become aware of alternative viewpoints, facts that conflict with their ideas, or simply help avoid a situation where going on the internet to share their views with like-minded individuals is the only option. In certain communities fear of surveillance has caused leaders to ban problematic individuals or topics rather than engage them.

Expand government services, but delink this expansion from law enforcement.—Governments at all levels can and should expand outreach to all communities, but particularly those who are needy or marginalized, and to provide a host of services include mental health treatment, job training and placement, youth sports leagues and other. However, this should be routine programming and not classified as somehow a National security program. For additional safeguards, law enforcement should not be part of these services. Law enforcement efforts to partner with community groups are too often accompanied by parallel intelligence collection or agent provocateur actions. As CVE expert Humera Khan wrote in *Foreign Affairs* in February 2015, “Many police departments consider community policing as an avenue for finding informants to help detect rather than prevent criminal activity.” Revelations show that a Minnesota police department applied to the Department of Justice for a grant to fund outreach programs that would have an intelligence-gathering⁷ component. The police chief in Montgomery County, Maryland is reported to view a controversial CVE program in that locality as a “conduit of information.”⁸

Protect Good Samaritans.—The U.S. Congress should pass laws, or the Department of Justice (DOJ) should issue guidelines, similar to Good Samaritan laws to protect those who act in good faith to prevent violent extremism by engaging with those considering it in order to dissuade them. DOJ policies should make clear that those who intervene to help others should not suffer for it by being subjected to prosecution, watch-listing, or surveillance because of their association with a potential violent extremist.

Ensure clear safeguards and protections to prevent abuse.—Programming helping self-identified extremists, such as that which helps white supremacists exist the movement may be helpful. Certainly, in the next few years a number of convicted terrorists will be leaving the prison system and may need counseling. In any CVE program, there must be clear standards and safeguards to prevent abuses. These standards should be reviewed by attorneys with expertise in privacy and civil rights and made available to the public for review.

Mr. PERRY. Pursuant to committee rule VII(D), the hearing record will be held open for 10 days.

Without objection, the committee stands adjourned.

[Whereupon, at 3:40 p.m., the committee was adjourned.]

⁷ Cora Currier. “Spies Among Us,” *The Intercept*, 1/21/2015, Available at: <https://theintercept.com/2015/01/21/spies-among-us-community-outreach-programs-muslims-blur-lines-outreach-intelligence/>.

⁸ Hena Zuberi. “Area Masjid Unknowingly Expose Youth to Federal Intelligence Gathering Program,” *The Muslim Link*, 8/25/2017, Available at: <http://www.muslimlinkpaper.com/community-news/4371-muslim-link-exclusive-area-masjid-unknowingly-expose-youth-to-Federal-intelligence-gathering-program>.

APPENDIX

QUESTIONS FROM CHAIRMAN MICHAEL T. McCAUL FOR ELAINE C. DUKE

Question 1a. The Halloween attack in New York City was perpetrated by Sayfullo Saipov, an Uzbek national who came to the United States through the diversity lottery. As of the day of the attack, Saipov had lived in the United States for 10 years as a legal permanent resident.

If Saipov had come to the United States today, what checks would he have encountered and how is this different from the checks he encountered 10 years ago?

Question 1b. Would the fact that he came from a country with a history of terrorism have played a role?

Question 1c. How does DHS review legal permanent residents to ensure that they do not become radicalized or determine whether they have?

Answer. A decade ago, background checks often consisted of adjudicating officers performing manual checks of databases using primarily the applicant's full name. Other identifying information such as date of birth, country of birth, and alien number (A number) were used to link the applicant to the information found in particular databases. While adjudicating officers checked databases containing law enforcement information and databases containing intelligence community (IC) information, coordination with law enforcement agents or members of the IC only occurred when a concern was identified.

Today, checks are highly coordinated with the IC and law enforcement agencies (LEAs). Improvements in Federal screening and vetting protocols over the last decade have been implemented largely as a result of advances in screening technologies and increased interagency cooperation. The U.S. Government has the ability to use multiple data points to perform recurrent vetting of immigration, IC, and LEA databases rather than performing manual name checks at a single point in time. At the same time, inspecting and adjudicating officers use their expertise to review individual cases and identify concerns. When a concern is identified at any step in the process, agencies across the government, including immigration, IC and law enforcement agencies, coordinate for the appropriate action including denial of benefit or entry, prosecution, and/or deportation.

All applicants for diversity immigrant visas are subject to recurrent vetting (i.e., daily, automated comparison of visa data against updated IC, LEA, and immigration data) rather than checks performed at a single moment in time. This recurrent vetting involves a sophisticated comparison of multiple data identifiers drawn from the visa application against IC and LEA databases in order to identify terrorism concerns. If a concern is identified through this screening, the adjudication of the diversity immigrant visa is stopped and the case is submitted for an interagency review by the Department of State, the Department of Homeland Security, the IC, and LEAs.

In addition to this recurrent vetting, the adjudicating officer performs manual checks of the applicant's immigration and travel history, including past visa applications. Adjudicating officers receive significant training in country conditions, including knowledge of historic, internal conflicts, and any identified concerns relating to both terrorism and trans-national organized crime. Any identified concern automatically stops the adjudication and issuance of the benefit. The case is then sent to the interagency for review and adjudication.

Coordination of biometric comparisons has also significantly increased over the last decade. Applicants for diversity immigrant visas between the ages of 14 and 79 must submit fingerprints and these prints are compared against immigration, Department of Defense, law enforcement, and IC databases.

Applicants from high-risk countries also receive more in-depth vetting. Since 9/11, the U.S. Government has conducted additional specialized screening of foreign nationals from countries determined to be high-risk, including those that have been determined to be terrorist safe havens. This allows DHS and interagency partners

to focus resources where they are needed most and to better detect individuals that may pose a threat to public safety and National security.

DHS works with law enforcement and immigration agencies in its effort to combat radicalization to violence of U.S. citizens, U.S. Lawful Permanent Residents, and other non-citizens. This includes the sharing of information relating to individuals who seek to radicalize others, and criminal or terrorist activities undertaken or attempted as a result of, or in furtherance of, radicalization to violence. Moreover, DHS is enhancing its terrorism prevention efforts focused on better countering terrorist recruitment in the United States through improvements to threat awareness, counter-recruitment activities, early warning, and intervention. If any FBI investigation involves non-citizens, including legal permanent residents, the FBI will coordinate with DHS Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services, as appropriate, especially in cases in which this activity involves criminal or other activities that will render the subject ineligible for immigration benefits and potential deportation.

Question 2a. In Europe, we see terrorist attacks taking place at an alarming rate. In 2017, we have witnessed 9 vehicular attacks by ISIS.

What are we doing to make sure radicalized Europeans do not come to the United States via the Visa Waiver Program?

Answer. The Department maintains close cooperation with European allies to combat terrorism, including the threat posed by known and suspected terrorists (KST). DHS cooperates with our international counterparts in a range of ways to ensure Europeans radicalized to violence are unable to travel to the United States via the Visa Waiver Program (VWP).

Most European allies—including 23 of 28 European Union (EU) member states and 7 non-EU countries—participate in the VWP. Since 1986, the VWP has evolved from a travel facilitation program into a comprehensive security partnership between the United States and VWP countries. Program countries must meet stringent security requirements to ensure their designation does not pose a risk to U.S. National security, law enforcement, or immigration enforcement interests. These requirements include, but are not limited to: Implementing a series of arrangements to share terrorism information; cooperating on criminal threats; improving identity management procedures; and reporting lost and stolen travel document information. To ensure compliance with VWP requirements, DHS conducts assessments of each VWP country at least once every 2 years—and engages in continuous monitoring between formal assessments—to evaluate participants' counterterrorism, law enforcement, immigration enforcement, border management, and identity document security capabilities.

The United States and all VWP countries have committed to share information on KSTs through both formal bilateral arrangements (e.g., Homeland Security Presidential Directive-6 (HSPD-6)), though the amount of sharing varies per country. Additionally, sharing occurs via informal intelligence and law enforcement channels, as well as through international organizations, such as International Criminal Police Organization (ICPO-INTERPOL) and Europol. This sharing adds to the derogatory information that the United States uses to perform screening activities, which enables the United States to more effectively identify KSTs and take appropriate action to safeguard the United States.

On December 15, 2017, Secretary Nielsen announced additional targeted enhancements that further strengthen the Program. These enhancements will not only raise security standards, but also further deepen existing security partnerships, therefore making it much likelier for countries to detect terrorist travel and safeguard themselves in the aviation security environment. These enhancements include:

- Requiring VWP countries to fully implement their existing information-sharing arrangements by systematically screening travelers crossing their respective borders against U.S. counterterrorism information.
- Improving the assessments DHS conducts on the effectiveness of VWP countries' safeguards against insider threats in the aviation security environment; and,
- Requiring VWP countries having a higher rate of visitors overstaying the terms of their admission into the United States to initiate a public information campaign to educate their nationals on the conditions for admission into the United States.

In addition to the aforementioned new requirements, Secretary Nielsen called on Congress to codify existing VWP requirements to bolster efforts in the following areas:

- Reporting of foreign terrorist fighters to multilateral organizations, such as INTERPOL and EUROPOL;

- Systematically collecting and analyzing passenger travel data (Advance Passenger Information/Passenger Name Records); and
- Concluding arrangements to permit U.S. Federal Air Marshals to operate onboard U.S. air carriers for last-point-of-departure flights to the United States.

As in earlier rounds of enhancements, initial implementation will focus on cooperative steps to support VWP countries meeting the new requirements. This announcement starts an engagement process wherein the U.S. Government will work with each VWP country on a bilateral basis to inform them of the new requirements, assess their current levels of compliance, and develop strategies geared to implement any outstanding requirements. This approach has yielded substantial economic and security benefits for the United States and its partner countries.

Further, the U.S. Government conducts extensive vetting of all in-bound travelers. All individuals seeking legitimate air or maritime travel to the United States are known to the Department prior to their departure because of Advance Passenger Information (API) reporting requirements by all airlines and ships bound for the United States, and in the case of non-immigrants, either the submission of an Electronic System for Travel Authorization (ESTA) application for travel under the VWP or a visa application. The Department vets this data to determine whether the prospective traveler should receive additional screening or be denied boarding. In all instances, U.S. Customs and Border Protection (CBP) Officers retain final authority on granting admission to individuals arriving at U.S. ports of entry.

In addition, individual European partner countries and the European Union collectively have taken significant steps to improve counterterrorism and border security capabilities across Europe over the past 2 years, to include: Creating a new European Border and Coast Guard Agency (effective October 2016); enhancing external border controls to require systematic database checks of all persons crossing Europe's external Schengen borders (effective April 2017); and passing the E.U. Passenger Name Record (PNR) Directive in April 2016 (to be implemented by May 2018). European partners also established the European Counterterrorism Centre (ECTC) at Europol in January 2016; the ECTC supports and facilitates E.U. member states in sharing terrorism-related information. Additionally, the European Union is building its own ESTA-like pre-travel screening system, known as the European Travel Information and Authorization System (ETIAS), which will allow for greater interoperability amongst its databases, and working to implement an E.U.-wide biometric entry/exit system. The European Union expects ETIAS to be operational by 2020.

The Department continuously looks for new ways to build on existing partnerships with European allies to respond to current and emerging threats. For example, the Department has offered its expertise and technical assistance to assist European partners in developing air passenger data collection and analysis capabilities, and has conducted numerous workshops for sharing best practices and collaborating on travel trends and passenger targeting. The Department is also working with a number of European partners to leverage both existing and new information-sharing agreements to cooperate directly on vetting priority travelers against our respective immigration, law enforcement, and National security data at a system-to-system level. In addition, the Department is working with 9 European countries to establish Preclearance facilities at last-point-of-departure airports. Countries participating in a Preclearance arrangement adopt a close and continuous partnership with the United States that allows the Department to leverage its full authorities and capabilities at overseas locations to screen travelers prior to their departure for the United States.

Multilateral partnerships, such as INTERPOL and Europol, facilitate U.S.-European cooperation. INTERPOL provides an efficient and accessible way for U.S. and European partners to share information on lost and stolen passports and report foreign terrorist fighters and criminals—both requirements for participation in the VWP—thereby enhancing participating countries' screening capabilities. Following the terrorist attacks in Paris in 2015 and Brussels in 2016, DHS worked closely with Europol to share terrorist-related information and provide investigatory support. The Department has assigned officers to Europol, and to its ECTC, to facilitate the exchange of information with European counterparts and to enhance cooperation on investigations of terrorist and criminal networks.

Question 2b. Are we doing enough to assist our European allies in their own counter-terrorism efforts?

Answer. In coordination with the Department of State, the Department of Homeland Security has been working closely with European allies and partners to enhance their counterterrorism efforts and advance the Department's priorities in Europe. The Department's actions range from Departmental leadership engagement to operational collaboration with European counterparts across a wide range of home-

land security areas. Over the past few years, DHS efforts with European partners have focused on enhancing border management and screening, increasing information sharing, identifying and disrupting terrorist travel, strengthening aviation security, and ensuring European and E.U. initiatives are compatible with DHS policies and programs.

The Department's active and on-going leadership engagement, as well as subject-matter expert-level efforts, have helped European partners take significant steps in improving counterterrorism capabilities over the past 2 years. Significant achievements include: Enhancing border controls to require systematic database checks of all persons crossing the European Union's external Schengen borders (effective April 2017); passage of the E.U. Passenger Name Record (PNR) Directive in April 2016 (to be implemented by May 2018); creating a new European Border and Coast Guard Agency (effective October 2016); developing an "E.U. ESTA" (the European Travel Information and Authorization System—ETIAS, with a January 2020 implementation date); and improving the interoperability of European law enforcement and immigration databases. The European Union also established the European Counter Terrorism Centre (ECTC) at Europol in January 2016 to support and facilitate E.U. members to share terrorism-related information. DHS components work closely with Europol and the ECTC to share terrorist-related information and provide investigatory support.

Currently, DHS has been emphasizing the importance of providing actionable intelligence information to front-line law enforcement and border officials. The Department is also emphasizing the importance of deploying PNR collection and analysis capabilities, as expeditiously as possible. DHS has years of experience collecting and analyzing Advanced Passenger Information (API, which is an airline manifest) and PNR (the airline's reservation data) data and is providing expertise, lessons learned, best practices, and technical assistance as European partners develop similar systems. Most recently, the Department has been prioritizing aviation security to address current and evolving threats, and has been working closely with European allies to strengthen aviation security globally. DHS has also reached agreements with European partners to deploy technology, such as the Secure Real-Time Platform (SRTP), to assist allies in conducting biometric checks on travelers and migrants to help them detect terrorists, criminals, and other nefarious actors at their borders. The United States works closely with partners to ensure all CT traveler security programs are harmonized and socialized broadly so that all available capabilities are leveraged in this most effective way possible.

Much of the Department's efforts with European partners is facilitated by the long-standing operational relationships established through DHS component personnel deployed overseas in Europe. However, the progress achieved over the past several years, and continued efforts to advance DHS security and counter-terrorism priorities in Europe, require active and sustained engagement at the Departmental level to coordinate Department-wide efforts and assist European partners and governing institutions in a complex and challenging political environment. The Department's efforts must include continued engagement with individual European countries, the governing institutions of the European Union, and numerous European regional security organizations.

The State Department has also supported the exchange of best practices on countering violent extremism (CVE) through two-way exchanges and the Strong Cities Network (SCN), a global network of 120 subnational governments. Through workshops, an on-line hub, and an annual global meeting, SCN has built the capacity of local-level practitioners in communities in Europe with known cases of radicalization to violence in the European Union and its member states, non-E.U. European countries, and numerous European regional security organizations.

Question 3a. DHS supports a number of grants through the Office for Community Partnerships to assist with Countering Violent Extremism. Describe what benchmarks are in place to determine the success of these grants?

Answer. The CVE Grant Program (CVEGP) through the Office for Community Partnerships (now the Office for Terrorism Prevention Partnerships) funded innovative projects in five focus areas that set the baseline for future evaluation of terrorism prevention projects. Given the diversity of these projects and the organizations implementing them, each individual project has tailored performance metrics and benchmarks for success over time. Prior to receiving access to their project funds, each recipient was required to develop a Project Implementation and Evaluation Plan (PIEP), which included deliverable time lines, output and outcome measures, and evaluation methods.

Some projects have very specific deliverables, such as training curricula for law enforcement or community members and models for how to implement terrorism prevention activities into existing public health infrastructure. Where applicable,

DHS has sought to ensure that each grantee's deliverables present a unified and non-duplicative approach, consistent with DHS messaging and existing programs, and ensure that materials are cost-effectively leveraged for use by all DHS grantees. DHS will evaluate the quality of these products and analyze the successes and challenges found in piloting them and will determine what is needed to package the products and deliver them to similar communities for replication outside of the grant program.

To date, DHS has completed the review of the proposed metrics and PIEPs. DHS is now mapping the performance measures from the individual projects to the overall goals of the CVEGP to assess the grant program as a whole, combine measures from similar projects, and compare the relative impacts of different projects.

Question 3b. What success have you observed with these programs in mitigating the recruitment of individuals to Foreign Terrorist Organizations?

Answer. As noted above, the period of performance for the grants started on August 1, 2017 and will run through at least the end of July 2019. Grantees' first quarterly reports were due on October 30, covering August and September. Much of the activity in the first 2 months of performance has been administrative startup work (including the drafting and submission of PIEPs), training development, content development, community outreach, and planning. At this time, all the projects appear to be on a solid footing to begin to deliver their core work in the next couple of quarters, and to begin reporting output and outcome measures in the late spring/early summer 2018.

QUESTIONS FROM HONORABLE SCOTT PERRY FOR ELAINE C. DUKE

Question 1a. Please describe the Department of Homeland Security's current programs, if any, to educate/train its officers about the domestic jihad threat. Which individuals and/or groups does DHS use for such training?

Question 1b. If there is no such training currently, please tell us when you expect to begin such training.

Answer. DHS undertakes a very wide range of activities designed to increase awareness and understanding among front-line defenders—including DHS personnel—regarding the terror threat. This includes frequent intelligence reporting, analysis, and trends related to global jihadist groups such as ISIS and al-Qaeda. Such information is essential to helping law enforcement and homeland security professionals identify suspicious activity, signs of violent radicalization, pre-operational terrorist planning, and more. Such information is also incorporated into exercises, training, and other activities designed to make sure we are prioritizing the highest risks to the homeland and are prepared to defend against emerging terrorist tactics. DHS also delivers a range of terrorism-prevention briefings Nation-wide that help increase threat awareness for those on the front lines protecting our communities, and these briefings highlight the threat from global jihadist groups, as well as other violent organizations seeking to threaten the American people and our homeland.

Although the Federal Law Enforcement Training Centers (FLETC) does not provide training programs exclusively focused on terrorism prevention issues, FLETC delivers a broad spectrum of counterterrorism training that encompasses myriad topics. FLETC's terrorism curriculum covers areas such as terrorism prevention, the National counterterrorism strategy, funding and material support, internet exploitation, modes/methods of attack (i.e. Improvised Explosive Devices, Weapons of Mass Destruction), surveillance detection, Suspicious Activity Reports (SAR), the attack planning cycle, and aircraft countermeasures. This curriculum resides within FLETC's three primary basic programs. During fiscal year 2017, law enforcement personnel from the following DHS entities attended a basic training program at FLETC that includes curriculum in counterterrorism: Office of Chief Security Officer, Federal Emergency Management Agency (Office of Security), Federal Protective Service, Office of the Inspector General, U.S. Coast Guard, U.S. Customs and Border Protection, U.S. Secret Service, and U.S. Immigration and Customs Enforcement. This terrorism curriculum is also delivered via several advanced programs such as the Commercial Vehicle Counterterrorism Training Program, Land Transportation Antiterrorism Training Program, Critical Infrastructure Security and Resilience Training Program, Physical Security Training Program, and the Protective Service Operations Training Program.

Through the Office of Civil Rights and Civil Liberties (CRCL), DHS has partnered with the State Department since 2011 on the City Pair Program, which connects U.S. cities with international counterparts through two-way exchanges. In the past year this program has included Boston, Denver, Los Angeles, Phoenix, and other U.S. cities. In January, the State Department organized a Strong Cities Network

workshop in Washington that connected more than 50 leaders from Canada, Germany, Ireland, Italy, the United Kingdom, and the United States for a workshop. Such engagements have led to increased connectivity between local-level communities domestically and internationally.

Question 2. What steps has DHS taken under the Trump administration to develop & implement a system of “extreme vetting” for those who seek entry as immigrants, non-immigrants, or refugees into the United States?

Question 3. Please explain what is the DHS process for implementing “extreme vetting”: For example, is there a system to investigate or at least query intending entrants for ideological affinity to some other alien or hostile legal system opposed to the U.S. Constitution, like Islamic Law, as there was in the time of the Cold War for communist associations?

Question 4. Does DHS question whether an individual holds beliefs that may be antithetical to the U.S. Constitution and its ideals? What questions are included in the extreme vetting process?

Question 5. If DHS does not yet have such a system, please advise when you will be ready to implement one.

Answer. The administration has improved every stage of the screening and vetting process for U.S.-bound individuals. We have launched sweeping efforts to improve our ability to detect terrorists, criminals, and other nefarious actors trying to enter the United States. These enhancements span virtually every pathway an individual could use to travel to the United States—whether as a tourist, business visitor, immigrant, or refugee. Applications have become more rigorous. Background checks are being intensified. Travel and arrival screening are being tightened. In addition, all countries must now comply with a historic, first-ever U.S. information-sharing baseline—or face travel restrictions and other consequences.

The Department of Homeland Security (DHS), in coordination with its U.S. Government (USG) partners, seeks to identify support for terrorism or terrorist ideologies as part of its vetting programs. Applicants for immigration and travel benefits—on the written application and during the in-person interview process—must answer multiple questions relating to terrorist activity; membership in groups hostile to the United States; willingness to take action on behalf of the United States (such as military service); criminal history; and other questions in order to gauge potential National security and/or public safety threat. Adjudicating officers also query immigration, intelligence community (IC), and law enforcement databases that contain data relating to criminal and terrorist activity. Further, DHS is developing its capability to investigate social media postings and other information relating to the applicant in order to examine this information for evidence of a terrorism nexus. In each of these activities, DHS operates within the strong framework of safeguards, training, and policies needed to ensure respect for privacy, civil rights, and civil liberties.

More broadly, DHS continues to advance its capabilities to ensure that all visitors, immigrants, and cargo are thoroughly vetted before admission to the United States or a potential benefit is granted. Accelerating previously planned initiatives and responding to directives called for by the President’s Executive Order (EO) 13780, “Protecting the Nation from Foreign Terrorist Entry into the United States,” the Department has embarked on a path that comprehensively addresses all aspects of the vetting continuum in close cooperation with partner departments and agencies.

Executive Order 13780, Section 2 established—for the first time—direct requirements for all countries’ cooperation to support USG visa and immigration vetting and adjudication. Among other factors considered, it during the review, the USG established unprecedented criteria for the exchange of identity and risk information with foreign partners to help confirm a traveler is who they say they are and whether they pose a criminal or terrorist threat. DHS is working with interagency stakeholders and foreign partners to address information-sharing deficiencies identified through the Section 2 review. As a follow-on to these activities, Presidential Proclamation 9645 calls for persistent monitoring of countries’ compliance with the requirements.

DHS led the development of uniform baseline standards for screening and vetting called for by the President in EO 13780, Section 5 through enhancements to processes involving applications, interviews, and system checks for immigration applicants. As a result, DHS is working to standardize, as appropriate, the information collected on immigration and foreign traveler forms and/or information systems.

Under Section 6(a) of EO 13780, the USG has reviewed the U.S. Refugee Admissions Program (USRAP) application and adjudicative processes to determine what additional procedures should be used to ensure that individuals seeking admission as refugees do not pose a threat to the security and welfare of the United States.

At the conclusion of this review, the Secretaries of State and Homeland Security and the Director of National Intelligence issued a Joint Memorandum entitled “Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities.” The Addendum to the Joint Memorandum provides a summary of additional security enhancements that were adopted as a result of the 120-day review that are applicable to refugee applicants seeking resettlement in the United States.

DHS will continue to regularly review its screening processes in order to improve the screening and vetting of subjects attempting to enter the country.

Question 6. The U.S. electric grid is dangerously unsecured against the threat of a nuclear Electro-Magnetic Pulse (EMP) attack or the similar effects that can be generated by the sun. Please explain what steps you & DHS are taking to secure the U.S. electric grid on an expedited basis.

Answer. DHS continues to carefully assess the risk of electromagnetic incidents to the homeland, including those posed by a potential Electromagnetic Pulse (EMP) attack or a Geomagnetic Disturbance (GMD). Although the intelligence community currently assesses the likelihood of a high-altitude EMP attack is low, the consequences of a successful EMP attack or a major GMD could include significant damage to portions of the Nation’s electric grid and communications infrastructure. Pursuant to law, and working closely with our interagency partners such as the Department of Energy, DHS is finalizing a strategy to protect the Nation’s critical infrastructure from EMP and GMD. The strategy will outline the Department’s approach to improve EMP and GMD risk awareness, promote preparedness actions to reduce the impacts from EMP, and facilitate response and recovery should an incident occur. Additionally, DHS, in collaboration with other partners, is working to help critical infrastructure owners and operators manage EMP and GMD risk within existing structures for all-hazards and all-threats risk management.

Question 7. Understanding that there is a “Red-Green Axis” of domestic enemies that includes the Muslim Brotherhood—arguably the oldest and largest Sharia-supremacist organization in the world—as well as the Black Lives Matter movement and myriad anarchist/communist entities operating in a collaborative way in the United States, what steps has DHS taken to confront that Axis? Does DHS have an organized training program for its agencies & officers that familiarizes them with the elements, ideology & operations of the Red-Green Axis? If so, please describe that training program. If not, why not & when do you expect to have such a program in place?

Answer. DHS prepared its officers and front-line defenders to be aware of—and prepared to respond to—a wide range of threats to the United States, including from terrorist organizations that may target Americans. DHS looks to the actions and intentions of a range of actors who pose, or may pose, a threat to the homeland, pursuant to the U.S. Constitution and DHS’s statutory authorities, and makes judgments based on intelligence and law enforcement information. DHS assesses operational and ideological connections between a variety of threat actors, institutes policies, and carries out operations to address threats or violations of law. In doing so, DHS respects the privacy, civil rights, and civil liberties of all Americans. DHS terrorism prevention activities are broad enough to address the spectrum of terrorist activity in the United States, including through awareness trainings and other programs.

Question 8. Please describe your understanding of Antifa, its component elements, ideology, international connections, tactics & the DHS operational plan to counter its activities & influence.

Answer. DHS regularly reports on threats to the homeland, including both domestic violent extremists and terrorist groups. Specifically, on August 9, 2017, prior to the events in Charlottesville, Virginia, the DHS Office of Intelligence & Analysis disseminated to its Federal, State, local, Tribal, and territorial customers a product referencing “antifa,” noting that: “We assess that anarchist extremists’ use of violence as a means to oppose racism and white supremacist extremists’ preparations to counterattack anarchist extremists are the principal drivers of violence at recent white supremacist rallies. Anarchist extremists planned to violently oppose the rallies via social media and flyer campaigns after they were announced by the white supremacist organizers . . . We assess that a heavily promoted white supremacist rally planned for 12 August 2017 in Charlottesville, Virginia, could be among the most violent to date . . . Anarchist extremists and white supremacist extremists on-line are calling on supporters to be prepared for or to instigate violence at the 12 August rally. For instance, a probable white supremacist posted on-line a ‘ . . . call to arms . . . antifa must be destroyed,’ according to DHS open-source reporting. We judge ‘antifa’ in this context to mean probable anarchist extremists, who often identify as ‘antifa’ or anti-fascists.” The Office of Terrorism Prevention Partnerships (OTPP) and other DHS operational components will continue to work

with our State and local partners to enhance their operational capabilities to prevent those who seek to radicalize or inspire violent extremism in our communities. While the current review of terrorism prevention policy and programs is reshaping the DHS operational plan, the plan will largely focus on programs that cover at least one of four lines of effort: (1) Prioritizing education and community awareness; (2) focusing on counter-recruitment; (3) emphasizing the importance of early warning; and (4) looking at what more can be done to intervene with individuals whom might commit acts of violence.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR ELAINE C. DUKE

Question 1. DHS has stated that we are pushing our border security strategies and pressing foreign partners to enhance their security. On November 30, 2015, the Obama administration implemented several new enhancements to the Visa Waiver Program that increased security and improved the efficiency of traveler screening under this popular program. On December 15, 2015, the House passed H.R. 158, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act, which was signed into law on December 18, 2015. How are you building on such efforts to work most effectively with our European counterparts to aid them in identifying and disrupting future attacks?

Answer. The Department maintains close cooperation with European allies to combat terrorism, including the threat posed by known and suspected terrorists (KST). DHS cooperates with our international counterparts in a range of ways to ensure Europeans radicalized to violence are unable to travel to the United States via the Visa Waiver Program (VWP).

Most European allies—including 23 of 28 European Union (EU) member states and 7 non-E.U. countries—participate in the VWP. Since 1986, the VWP has evolved from a travel facilitation program into a comprehensive security partnership between the United States and VWP countries. Program countries must meet stringent security requirements to ensure their designation does not pose a risk to U.S. National security, law enforcement, or immigration enforcement interests. These requirements include, but are not limited to: Implementing a series of arrangements to share terrorism information; cooperating on criminal threats; improving identity management procedures; and reporting lost and stolen travel document information. To ensure compliance with VWP requirements, DHS conducts assessments of each VWP country at least once every 2 years—and engages in continuous monitoring between formal assessments—to evaluate participants' counterterrorism, law enforcement, immigration enforcement, border management, and identity document security capabilities.

The United States and all VWP countries commit to share information on KSTs through both formal bilateral arrangements (e.g., Homeland Security Presidential Directive-6 (HSPD-6)), though the amount of sharing varies per country. Additionally, sharing occurs via informal intelligence and law enforcement channels, as well as through international organizations, such as International Criminal Police Organization (ICPO-INTERPOL) and Europol. This sharing enriches U.S. holdings, which enables the United States to more effectively identify KSTs and take appropriate action to safeguard the United States.

Additionally, on December 15, 2017, Secretary Nielsen announced additional targeted enhancements that further strengthen the Program. These enhancements will not only raise security standards, but also further deepen existing security partnerships, therefore making it much likelier for countries to detect terrorist travel and safeguard themselves in the aviation security environment. These enhancements include:

- Requiring VWP countries to fully implement their existing information sharing arrangements by systematically screening travelers crossing their respective borders against U.S. counterterrorism information.
- Improving the assessments DHS conducts on the effectiveness of VWP countries' safeguards against insider threats in the aviation security environment; and,
- Requiring VWP countries having a higher rate of visitors overstaying the terms of their admission into the United States to initiate a public information campaign to educate their nationals on the conditions for admission into the United States.

In addition to the aforementioned new requirements, Secretary Nielsen called on Congress to codify existing VWP requirements to bolster efforts in the following areas:

- Reporting of foreign terrorist fighters to multilateral organizations, such as INTERPOL and EUROPOL;

- Systematically collecting and analyzing passenger travel data (Advance Passenger Information/Passenger Name Records); and
- Concluding arrangements to permit U.S. Federal Air Marshals to operate onboard U.S. air carriers for last-point-of-departure flights to the United States.

As in earlier rounds of enhancements, initial implementation will focus on cooperative steps to support VWP countries meeting the new requirements. This announcement starts an engagement process wherein the U.S. Government will work with each VWP country on a bilateral basis to inform them of the new requirements, assess their current levels of compliance, and develop strategies geared to implement any outstanding requirements. This approach has yielded substantial economic and security benefits for the United States and its partner countries.

Further, the U.S. Government conducts extensive vetting of all in-bound travelers. All individuals seeking legitimate air or maritime travel to the United States are known to the Department prior to their departure because of Advance Passenger Information (API) reporting requirements by all airlines and ships bound for the United States, and in the case of non-immigrants, either the submission of an Electronic System for Travel Authorization (ESTA) application for travel under the VWP or a visa application. The Department vets this data to determine whether the prospective traveler should receive additional screening or be denied boarding. In all instances, U.S. Customs and Border Protection (CBP) Officers retain final authority on granting admission to individuals arriving at U.S. ports of entry.

In addition, individual European partner countries and the European Union collectively have taken significant steps to improve counterterrorism and border security capabilities across Europe over the past 2 years, to include: Creating a new European Border and Coast Guard Agency (effective October 2016); enhancing border controls to require systematic database checks of all persons crossing Europe's external Schengen borders (effective April 2017); and passing the E.U. Passenger Name Record (PNR) Directive in April 2016 (to be implemented by May 2018). European partners also established the European Counterterrorism Centre (ECTC) at Europol in January 2016; the ECTC supports and facilitates E.U. member states to share terrorism-related information. Additionally, the European Union is building its own ESTA-like pre-travel screening system, known as the European Travel Information and Authorization System (ETIAS), allowing for greater interoperability amongst its databases, and working to implement an E.U.-wide biometric entry/exit system. The European Union anticipates ETIAS being operational by 2020.

The Department continuously looks for new ways to build on existing partnerships with European allies to respond to current and emerging threats. For example, the Department has offered its expertise and technical assistance to assist European partners in developing air passenger data collection and analysis capabilities, and has conducted numerous workshops for sharing best practices and collaborating on travel trends and passenger targeting. The Department is also working with a number of European partners to leverage both existing and new information-sharing agreements to cooperate directly on vetting priority travelers against our respective immigration, law enforcement, and National security data at a system-to-system level. In addition, the Department is working with 9 European countries to establish Pre-clearance facilities at last-point-of-departure airports. Countries participating in a Pre-clearance arrangement adopt a close and continuous partnership with the United States that allows the Department to leverage its full authorities and capabilities at overseas locations to screen travelers prior to their departure for the United States.

Multilateral partnerships, such as INTERPOL and Europol, facilitate U.S.-European cooperation. INTERPOL provides an efficient and accessible way for U.S. and European partners to share information on lost and stolen passports and report foreign terrorist fighters and criminals—both requirements for participation in the VWP—thereby enhancing participating countries' screening capabilities. Following the terrorist attacks in Paris in 2015 and Brussels in 2016, DHS worked closely with Europol to share terrorist-related information and provide investigatory support. The Department has assigned officers to Europol, and to its ECTC, to facilitate the exchange of information with European counterparts and to enhance cooperation on investigations of terrorist and criminal networks.

Question 2a. In previous Congressional testimony, DHS officials have described a shift in DHS countering violent extremism (CVE) efforts, including changing the name of the Office for Community Partnerships (OCP) to the Office of Terrorism Prevention Partnerships (OTPP) and reporting to the Office of Partnership and Engagement (OPE), rather than the Secretary. How will this shift and reconfiguration of the program differ from the previous administration's CVE efforts?

Answer. The Office of Terrorism Prevention Partnerships (OTPP), formerly named the Office for Community Partnerships (OCP), continues to facilitate and support

State, local, Tribal, territorial, and non-Governmental, community-based efforts to implement prevention programs within the United States that target radicalization and mobilization to violence for all forms of terrorism. OTPP also provides greater clarity about our mission of preventing terrorist recruitment and radicalization to violence.

Since its establishment, and as appropriated by Congress, the office had been funded through the Office of Partnership and Engagement (OPE) for budget and administrative purposes, but previously reported directly to the Secretary for policy and programmatic purposes during its start-up phase. Now that the organization has matured, OTPP has become a formal component of OPE, which will increase efficiency and bolster resources and support for its role in the critical mission of terrorism prevention. When OCP was established, it temporarily reported to the Secretary on progress even though operational offices are not typically part of the Office of the Secretary. This move completes the expected transition, aligning with Congressional expectations.

OTPP is working with a broad range of stakeholders to implement, mature, and strengthen its terrorism prevention programs and to improve collaboration and coordination of Department activities. With this institutionalized position, OTPP has greater resources and support to strengthen the critical mission of terrorism prevention. OTPP's alignment with OPE entities, including the Office of Intergovernmental Affairs (IGA), the Private Sector Office (PSO), and the Office of State and Local Law Enforcement (OSLLE), enhances engagement opportunities with stakeholders across the country.

This renewed purpose emphasizes the mutual benefits of partnership tools and objectives to advance DHS terrorism prevention programs. This includes enhancing education and community awareness regarding the threat, providing resources to support terrorism prevention stakeholders where applicable, coordinating relevant DHS terrorism prevention activities, actively countering terrorist radicalization and recruitment, and promoting early warning so that our front-line defenders can intervene to stop attacks and help prevent individuals from going down the path to violence.

Question 2b. What factors drove your reexamination of CVE?

Answer. The persistent and evolving nature of the terror threat demanded that we reexamine terrorism prevention programs and assess how they could be strengthened. Groups like the Islamic State of Iraq and Syria (ISIS) and al-Qaeda and its affiliates are focused on inspiring, enabling, and directing attacks in our homeland, including by crowd-sourcing attacks on social media and through the use of secure communications to avoid detection. They are promoting do-it-yourself tactics to more easily spread terror, such as the use of vehicle ramming, guns, knives, and other methods. DHS has made it a top priority to actively prevent terrorists from radicalizing and recruiting individuals to violence within the homeland, and the Department sought to ensure terrorism-prevention activities were keeping up with the danger.

The following have been key principles guiding our reexamination:

- Combating all forms of terror—in a threat- and risk-based, intelligence-driven manner;
- Prioritizing support to front-line defenders;
- Measuring and evaluating effectiveness;
- Complementing broader efforts to prevent other forms of violence in our communities; and
- Preserving civil rights and civil liberties.

Question 2c. What is the plan and time line for the CVE grant program?

Answer. The plan and time line for the CVE grant program remain unchanged. By way of review, former Secretary Kelly approved the CVEGP awards in June 2017, making 26 grants totaling \$10 million for 2 years of programming to organizations that will work to improve the security of our communities and prevent terrorism. Performance started on August 1, 2017 and will run through at least the end of July 2019. First quarterly reports were due on October 30, covering August and September. Much of the activity in the first 2 months of performance has been administrative start-up work, training development, content development, community outreach, and planning. At this time, all the projects appear to be on a solid footing to deliver their core work in the next few quarters, and to begin reporting output and outcome measures in the late spring/early summer 2018.

Question 2d. Has DHS articulated an official strategy to replace the previous administration's CVE strategy?

Question 2e. If not, does DHS intend to develop a new strategy?

Question 2f. If so, when will this strategy be delivered and implemented?

Answer. DHS is conducting an in-depth review of its OTTP-run terrorism prevention programs to ensure our efforts, and those of our Federal, State, local, territorial, and private partners, are integrated and coordinated to best address the threat. The resulting posture will outline goals, objectives, and approaches for preventing the radicalization and inspiration to violence from all forms of violent extremism. Currently, DHS anticipates four primary lines of effort: (1) Prioritizing threat awareness through education and community engagement; (2) focusing on counter-recruitment; (3) emphasizing the importance of early warning; and (4) focusing on improving intervention and countering terrorist recidivism.

Pursuant to the most recent National Defense Authorization Act, the administration is required to produce a National strategy on countering violent extremism. DHS will participate in the development of this strategy and develop clear guidance on how it is implementing the administration's terrorism-prevention policies.

Question 2g. How will the new Office of Terrorism Prevention Partnerships conduct its training for field representatives differently than past DHS CVE efforts?

Answer. OTTP field representation and the development and deployment of community awareness trainings have not been altered at this time. OTTP continues to work with other DHS components and its interagency partners to develop, update, and deploy Community Awareness Briefings and other training packages when requested in the field. However, we are actively examining ways to help States and localities stand up terrorism prevention programs Nation-wide, as it is clear one of the primary shortfalls of CVE policy previously was that such efforts were too centrally managed and failed to keep pace with the diffuse nature of the threat.

Question 3. In DHS testimony on November 30, 2017, we heard that "One of the major things we've done very recently is open the Office of Terrorism Prevention Partnerships, which is making sure every piece of information we get, the State and local governments have, to be at the point to notice and deal with any types of hate crimes and these groups. And training and information sharing—is two of our major efforts." Please explain in detail what this means and how this process will be carried out.

Answer. As I noted before the committee, in addition to counterterrorism, the Department is re-dedicating itself to terrorism prevention. Americans do not want us to simply stop violent plots, they want us to keep them from materializing in the first place. As part of this effort, we have launched an end-to-end review of all DHS "countering violent extremism," or CVE, programs, projects, and activities. In the coming months we will work to continue to ensure our approach to terrorism prevention is risk-based and intelligence-driven, focused on effectiveness, and provides appropriate support to those on the front lines who we rely on to spot signs of terrorist activity.

DHS efforts to combat terrorist recruitment and radicalization to violence fall into four primary lanes.

First, we are prioritizing education and community awareness. Before terrorists have a chance to reach into communities and inspire potential recruits, we are making sure those communities are aware of the threat. This includes extensive outreach to States and localities, awareness briefings, intelligence products regarding threats and trends, and training for front-line defenders and civic leaders.

Second, we are focused on counter-recruitment. We know that terrorists will continue to seek new followers through persuasion and propaganda, which is why we must support efforts to actively push back against such solicitations. This includes continuing to encourage non-governmental organizations to counter-message terrorist propaganda, leveraging credible voices to dissuade potential recruits, working with social media companies and supporting their efforts to make on-line platforms more hostile to terrorists, and more.

Third, we are emphasizing the importance of early warning. Even with strong community awareness and counter-recruitment, terrorist groups will succeed in reaching at least some susceptible minds. That is why we are working to detect individuals on the path to radicalization to violence earlier. This includes building trust between communities and law enforcement, expanding "If You See Something, Say Something™"-style campaigns, and ensuring there are appropriate and confidential means for the public to provide tips regarding suspicious activity.

Finally, DHS and DOJ are looking at what more can be done to intervene to prevent suspects from committing acts of violence and also to counter terrorist recidivism. It is inevitable that some individuals will be recruited, radicalized, and attempt to engage in terrorist activity. So we want to make sure that the right stakeholders can intervene before they do so—and that once they are caught they do not return to violence. Our grant programs have focused on some of these intervention efforts, and DHS is also working with interagency partners on ways to better combat terrorist recidivism.

This summer the Department announced the award of \$10 million in grants to 26 organizations to advance terrorism prevention efforts. These grants will help inform our efforts and illuminate what works—and what doesn't work—in combating terrorist recruitment and radicalization in our homeland. We look forward to sharing the results with Congress.

I also want to note that although our terrorism prevention activities will be risk-based, they will also be flexible enough to address all forms of terrorism. Any ideologically-motivated violence which is designed to coerce people or their governments should be condemned, prevented, and countered. That is why our approach must be agile so it can help mitigate everything from the global jihadist threat to the scourge of violent racial supremacy. It must also engage and not alienate communities targeted by these violent extremists. This means working with people of all races, religions, and creeds as partners in the fight against terrorism.

Question 4. Do you believe that HVEs present an emerging threat to the homeland? How can we be more effective in preventing these attacks and “lone-wolf” attacks?

Answer. The Homegrown Violent Extremist (HVE) threat remains a primary focus of terrorism prevention efforts, and the work of the Office of Terrorism Prevention Partnerships (OTPP) focuses on improving efforts to bring an end to the radicalization and recruitment to violence by individuals in the United States. To that end, OTPP constantly re-assesses its programs against the latest information and research on these topics. For example, recent DHS Science & Technology Directorate-funded research has noted that law enforcement plays an important role in early detection and disruption of plots in the United States, and that early warning and awareness by friends and family is also important. DHS is working to support these early warning systems, particularly mechanisms that allow for bystanders to report early concerns and bolster intervention efforts, through our current research funding as well as through our grant programs such as the CVE grant program. DHS also works closely with our partners at the FBI through the Joint Terrorism Task Forces (JTTFs) that bring Federal, State, and local agencies together on one team. The JTTFs allow members to leverage one another's skills, authorities, and accesses to prevent and disrupt terrorist attacks across the country. The JTTFs also build relationships between the community and law enforcement on the front line, which is particularly important to combatting terrorism.

Question 5a. The FBI and DHS produced an intelligence bulletin on May 11, 2017, that purported to warn about the “persistent threat of lethal violence” from white supremacist groups. The data reported in the bulletin claimed there were 49 homicides in 26 attacks from 2000 to 2016, but these numbers are significantly lower than those reported by academics who study this issue.

Please provide a full list of the 49 homicides in 26 attacks from 2000 to 2016.

Answer. DHS defers to the Department of Justice and the Federal Bureau of Investigation as this is their data.

Question 5b. Do these discrepancies affect local law enforcement efforts to police such groups?

Answer. This is a local law enforcement question. DHS defers to local law enforcement agencies as to how they deploy investigative and financial resources to combat domestic terrorism.

Question 6a. Between 1977 and 2016, there have been hundreds of crimes committed against reproductive health care facilities and abortion providers, including at least 11 murders, 26 attempted murders, 42 bombings, 186 arsons, 98 attempted bombings or arsons, and 411 clinic invasions. Please provide any data that your agency has used to track crimes targeting reproductive health care facilities and abortion providers.

Does violence aimed at reproductive health care clinics, doctors, patients, and staff fall under the Federal statutory definition of “domestic terrorism”?

If not, when would anti-abortion violence rise to the level of “domestic terrorism”?

Answer. DHS does not track crimes related to reproductive health care facilities or abortion providers. The FBI is the lead agency for the investigation of both criminal and terrorism acts and is better positioned to respond to this question.

We would defer to DOJ for this response.

See answer above.

Question 6b. Are the Department of Homeland Security, the FBI, and the National Counterterrorism Center currently committing funding and staff to investigate violence against reproductive health care clinics, doctors, patients, and staff in order to identify whether any patterns and practices emerge?

If yes, please explain what level of personnel and budget is being provided.

If not, why not?

Answer. We would defer to the FBI and NCTC for further response.

The Attorney General, generally acting through the FBI, has lead responsibility for criminal investigations of terrorist acts or threats where such acts are within the Federal criminal jurisdiction of the United States.

QUESTIONS FROM HONORABLE VAL DEMINGS FOR ELAINE C. DUKE

Question 1. Most of the administration's CVE efforts to date have been focused on Muslim communities. However, recent reports, arrests, and convictions indicate that new recruits to ISIS do not have a particular ethnic background and are not always familiar with Islam. Moreover, as we have seen in the recent tragic events in Charlottesville and Las Vegas, not all "extremists" are adherents of Islam. How are the CVE programs being tailored to target a wider audience to reach would-be perpetrators of extremist attacks?

Answer. As underscored in my testimony, the Department's terrorism prevention efforts address all forms of terrorism. DHS constantly updates our organizational and operational response to the threat from radicalization and recruitment to violence in the United States, and so acts to ensure its terrorism prevention programs focus on the threat, not a particular geographic, religious, or other community.

Question 2a. The agencies engaged in CVE programs have both law enforcement and intelligence-gathering responsibilities. However, the purpose of CVE programs is to foster substantive relationships with the community and to reach vulnerable populations prior to radicalization. Are there are other Federal agencies that are better equipped to carry out that mission?

Answer. OTTP specifically does not have a law enforcement or intelligence gathering mission. DHS community partnership terrorism prevention efforts do not include gathering intelligence for the purpose of potential criminal prosecution. OTTP works closely with a number of non-security Federal agencies that may have equities and interest in supporting terrorism prevention efforts through the office's leadership of the interagency CVE Task Force. These include, but are not limited to, the Department of Health and Human Services, Department of Education, and the U.S. Digital Service. To make their contributions effective, OTTP believes that continued and regular coordination through the CVE Task Force is required to build an effective interagency response to the threat. However, it is also important to note that State and local law enforcement agencies must remain a part of this effort, especially given their community policing and engagement activities that support numerous forms of violence prevention without gathering intelligence for criminal justice or other purposes.

Question 2b. How do you disengage your law enforcement and intelligence-gathering mission when participating in CVE activities?

Answer. The DHS terrorism prevention programs that are operated by OTTP do not have a law enforcement or intelligence-gathering mission, as OTTP terrorism prevention efforts do not include gathering intelligence for the purpose of potential criminal prosecution.

Question 2c. What safeguards are in place to protect the civil liberties of the communities that your agencies are engaging?

Answer. OTTP works closely with our DHS Office of Civil Rights and Civil Liberties to ensure that we protect the civil liberties of the communities with whom we are engaging.

QUESTIONS FROM HONORABLE SCOTT PERRY FOR CHRISTOPHER A. WRAY

Question 1a. How many supervisory agents or analysts are in the entire FBI?

Question 1b. Do you think that number is adequate?

Answer. Response was not received at the time of publication.

Question 2a. What is the ratio of supervisory positions in the field versus at headquarters?

Question 2b. Do you think that ratio is adequate?

Answer. Response was not received at the time of publication.

Question 3. How many levels of command are between desk analysts and the director, to get the director to sign off on substantial techniques?

Answer. Response was not received at the time of publication.

Question 4. How many levels of command are between the line level and director?

Answer. Response was not received at the time of publication.

Question 5a. How many assistant directors are in the FBI?

Question 5b. How have the numbers of assistant directors grown from 2 to 16 since about 2001?

Question 5c. Do you believe that this growth is justified?

Question 5d. What do you plan to do about it?

Answer. Response was not received at the time of publication.

Question 6a. Where did the FBI get the personnel to staff these assistant directorates at headquarters?

Question 6b. Did the personnel come from supervisory agents and analysts in the field?

Question 6c. Do you consider it effective to take an agent who worked 3–6 years on a case in the field, and remove that agent from the field to spend the rest of his or her career as a bureaucrat?

Answer. Response was not received at the time of publication.

Question 7. Why did highly-trained field agents with specific skills seek transfers to cities where their skills were not needed?

Answer. Response was not received at the time of publication.

Question 8. Why has the FBI leadership reassigned end-of-career bureaucrat supervisory agents, who have spent years out of the field, and sent them back to run field investigations?

Answer. Response was not received at the time of publication.

Question 9. The Secret Service has thwarted 100 percent of terrorist attacks and assassination attempts on those under its protection since 1981. How many terrorist attacks has the FBI thwarted since that time?

Answer. Response was not received at the time of publication.

Question 10a. How many “lone wolf” terrorists were known to the FBI before they murdered and maimed innocent Americans?

Why is this number so high?

Answer. Response was not received at the time of publication.

Question 10b. If you have so many agents and analysts, why does the FBI let so many extremists remain under observation so that they are free to kill?

Answer. Response was not received at the time of publication.

Question 11. How many successful terrorist attacks did the FBI know about before they occurred?

Answer. Response was not received at the time of publication.

Question 12. If the FBI used Secret Service methods against its targets, would the FBI have had greater success?

Answer. Response was not received at the time of publication.

Question 13. It appears that the FBI, for the past decade or more, has taken a political or policy decision not to move against individuals who espouse violent jihad in this country, and has chosen to wait until after not-yet-violent jihadists go violent before the FBI takes action. Why is this so?

Answer. Response was not received at the time of publication.

Question 14a. Are you satisfied that FBI training is free from bias that would blind agents and analysts to certain ideological threats?

Question 14b. Will you commit to a full-ranging review of FBI training curriculum concerning domestic terrorist threats, including jihadists?

Answer. Response was not received at the time of publication.

Question 15a. Does the FBI have a doctrine and mechanism for considering foreign non-governmental organizations that function like intelligence services, to be essentially a non-governmental foreign intelligence service?

Question 15b. How can Congress help you improve these capabilities?

Answer. Response was not received at the time of publication.

Question 16a. How many terrorists in the United States have had connections with, indoctrination or training from, or other ties with the Muslim Brotherhood or its operatives and fronts?

Question 16b. Do you think the Muslim Brotherhood should be designated as a terrorist organization? Why or why not?

Answer. Response was not received at the time of publication.

Question 17a. What is the formal or informal name of the FBI grouping that had been assigned to monitor the Muslim Brotherhood in the United States?

When was that grouping created?

Answer. Response was not received at the time of publication.

Question 17b. How many agents and analysts were assigned to that grouping at its peak?

Answer. Response was not received at the time of publication.

Question 17c. How many agents and analysts are assigned to monitor the Muslim Brotherhood and its fronts and affiliates now?

Answer. Response was not received at the time of publication.

Question 17d. Who in the FBI made the decision to slash monitoring of the Muslim Brotherhood and its fronts and affiliates?

The committee is told that Deputy Director McCabe made the decision. Why is he still there?

Was the decision fact-driven or need-driven, or was it politically or ideologically driven?

When was that decision made?

Answer. Response was not received at the time of publication.

Question 18. Does the FBI use membership in the Muslim Brotherhood or its fronts or controlled organizations as criteria when evaluating the recruitment of FBI agents, analysts, contractors, and personnel?

Answer. Response was not received at the time of publication.

Question 19a. When did the FBI admit known Muslim Brotherhood operatives and assets to train agents and analysts?

What has been the FBI's screening procedures against Muslim Brotherhood operatives and assets seeking to influence the FBI through training and other programs?

Answer. Response was not received at the time of publication.

Question 19b. What are the FBI's successes over the past 10 years in preventing Muslim Brotherhood operatives and agents from penetrating the Federal Government?

Answer. Response was not received at the time of publication.

Question 19c. How many Muslim Brotherhood loyalists are employed as FBI agents, analysts, and staff?

Answer. Response was not received at the time of publication.

Question 20. Does the FBI consider Russia to be an ally against Islamic-inspired terrorism?

How has the FBI relied on the Russian security and intelligence services for information on terrorists who threaten the United States?

Answer. Response was not received at the time of publication.

Question 21a. I think all of us want to salute the FBI for its brilliant Operation Ghost Stories, which tracked a Russian SVR "illegals" penetration network for about a decade, ending in 2010.

How does the FBI describe the difference between counterespionage and counterintelligence?

Answer. Response was not received at the time of publication.

Question 21b. What is the percentage of FBI resources devoted to counterespionage, as opposed to counterintelligence?

Answer. Response was not received at the time of publication.

Question 22. How many Chinese influence operations—not espionage operations—has the FBI uncovered or disrupted over the past 10 years?

Answer. Response was not received at the time of publication.

Question 23. What is the FBI's assessment of the resources that the Russian and Chinese intelligence services are using to conduct covert influence operations aimed at the American public and leadership?

Answer. Response was not received at the time of publication.

Question 24a. Did the FBI exhaust all reasonable means to complete a full damage assessment of the Robert Hanssen penetration?

A witness has come forward to state that he attempted on multiple occasions to alert the Hanssen Damage Assessment Team of compromises to FBI methods against Chinese intelligence operations, and that the FBI was not interested. Would you comment?

Answer. Response was not received at the time of publication.

Question 24b. Witnesses say that FBI Director Mueller wanted the Hanssen Damage Assessment Team to wrap up quickly and shut down because it was uncovering so much information damaging to the FBI. Would you comment?

Answer. Response was not received at the time of publication.

Question 24c. How confident is the FBI that the Russians have made no further Hanssen-style penetrations of the FBI or other Federal agencies?

Answer. Response was not received at the time of publication.

Question 24d. How does the FBI arrive at such a level of confidence?

Answer. Response was not received at the time of publication.

Question 25a. Are you satisfied with the quality and thoroughness of background investigations for Government contractors to receive security clearances?

Answer. Response was not received at the time of publication.

Question 25b. How can these background investigations be improved?

Answer. Response was not received at the time of publication.

Question 26a. What criminal and National security investigations did the FBI conduct in to Chinese hacking of the Office of Personnel Management's database, that included all Classified information on individuals who had applied for or received clearances?

Is/are those investigations still under way?

Answer. Response was not received at the time of publication.

Question 26b. Why were no criminal charges recommended for the Justice Department to pursue?

Answer. Response was not received at the time of publication.

Question 27a. How is the FBI's foreign defector program working? Does the FBI have sufficient human and material resources to attract foreign defectors, debrief them, and help them start new lives without threat of revenge or assassination?

Why did the FBI not seek to induce any of the 10 SVR agents (illegals) arrested in 2010 under Operation Ghost Stories to defect?

Answer. Response was not received at the time of publication.

Question 27b. Why did the FBI go along with the near-immediate repatriation of the 10 SVR illegals to Russia after they were arrested, and not push for a better trade with Moscow, or other concessions?

Answer. Response was not received at the time of publication.

Question 27c. Since the United States has been squeezing members of Putin's inner circle, what is the FBI's strategy to induce more defections from the Russian services and political leadership?

Answer. Response was not received at the time of publication.

Question 27d. Why did Russian defector Mikhail Lesin, a longtime Putin insider, begin talks with the FBI to defect in about 2015?

Answer. Response was not received at the time of publication.

Question 27e. Was Lesin under FBI supervision in October–November 2015?

Answer. Response was not received at the time of publication.

Question 27f. Lesin died a violent death at the Dupont Circle Hotel in November, 2015. The Russian government seemed undisturbed by the death and immediately dismissed Lesin's death as due to natural causes. A lengthy medical examination ruled in 2016 that he died of multiple blunt-force trauma to the head, neck, torso, and extremities. The cause of death was later said to have been due to natural causes.

- How does the FBI account for this discrepancy?
- Why did the FBI fail to protect Lesin as he negotiated his defection?
- Do you think that the Russian government may have Lesin assassinated?

Answer. Response was not received at the time of publication.

Question 28. We understand that the upper management of the FBI, until your appointment as director, was the cause of unusual morale problems in field offices across the country. What do you intend to do to improve FBI morale?

Answer. Response was not received at the time of publication.

Question 29. From a National security perspective, do you think it's an urgent priority for the FBI to consolidate to a new headquarters?

Answer. Response was not received at the time of publication.

Question 30. The GSA and FBI have been working for years on the FBI headquarters consolidation project, and in July announced that they would cancel procurement due to lack of sufficient funding. Does the FBI have a planned viable site for the new headquarters?

Answer. Response was not received at the time of publication.

Question 31. How can the FBI combine headquarters consolidation with managerial and training reforms to improve the Bureau's capabilities against hostile foreign intelligence, subversion, and terrorism, and other threats to homeland security?

Answer. Response was not received at the time of publication.

Question 32. What steps has the FBI taken to reverse the Obama administration's purge of training courses & information about Islam, jihad, shariah & the Muslim Brotherhood?

Answer. Response was not received at the time of publication.

Question 33. What training programs has the FBI instituted on these topics since the beginning of the Trump administration?

Answer. Response was not received at the time of publication.

Question 34. Who specifically by name & affiliation are the contract training instructors the FBI uses to provide instruction to its agents about the domestic threat from the Islamic Movement?

Answer. Response was not received at the time of publication.

Question 35. Please describe in at least general terms what programs the FBI currently implements to monitor potentially seditious activity inside U.S. mosques & Islamic Centers known to be affiliated w/the Muslim Brotherhood. Does the FBI currently have a law enforcement objective and program to investigate material support to terrorism as enabled by the financial institution of zakat, which we know under Islamic Law to be a funding mechanism for jihad terror?

Answer. Response was not received at the time of publication.

Question 36. Antifa operates across the United States in ways that involve at least potentially criminal interstate activities, such as inciting a riot & conspiracy to incite a riot. What is the FBI doing to counter Antifa, including to investigate & shut down its funding sources?

Answer. Response was not received at the time of publication.

Question 37. Understanding that there is a “Red-Green Axis” of domestic enemies that include the Muslim Brotherhood, the Black Lives Matter movement & myriad anarchist/communist entities operating in a collaborative way in the United States, what steps has the FBI taken to confront that Axis?

Answer. Response was not received at the time of publication.

Question 38. Please describe your understanding of Antifa, its component elements, ideology, international connections, tactics & the FBI’s operational plan to counter its activities & influence.

Answer. Response was not received at the time of publication.

Question 39. Does the FBI have an organized training program for its agencies & officers that familiarizes them with the elements, ideology & operations of the Red-Green Axis?

Answer. Response was not received at the time of publication.

Question 40. If so, please describe that training program. If not, why not & when do you expect to have such a program in place?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR
CHRISTOPHER A. WRAY

Question 1a. The FBI has previously opened investigations into leaders of the Black Lives Matter Movement. Could you explain whether Black Lives Matter members fall under the umbrella of Black Identity Extremists?

Question 1b. Does the FBI consider the Black Lives Matter movement a violent extremist movement?

Answer. Response was not received at the time of publication.

Question 2a. Is it a priority for you to ensure that intelligence products are free from racial, cultural, and religious biases?

Question 2b. Will the Bureau conduct a comprehensive racial, cultural, and religious review of all intelligence products and materials within the next year?

Answer. Response was not received at the time of publication.

Question 3. Are far right-wing groups responsible for the most domestic terrorist acts and attempted domestic terrorist acts in the United States? Please explain.

Answer. Response was not received at the time of publication.

Question 4. Please provide a full breakdown of the number of open domestic terrorism assessments, preliminary investigations, and full investigations. For comparison, provide the same information for international terrorism assessments, preliminary investigations, and full investigations.

Answer. Response was not received at the time of publication.

Question 5a. Being that there is no criminal statute of “domestic terrorism,” how does the FBI track charges stemming from domestic terrorism investigations?

Question 5b. For instance, is there data that tracks how many cases investigated as domestic terrorism result in murder charges, or racketeering charges, etc.?

Answer. Response was not received at the time of publication.

Question 6a. It is often said that the United States cannot rely on investigations and arrests to thwart terrorism in the homeland.

What is the FBI doing to terms of CVE programing and operations?

Question 6b. Please confirm, FBI has dismantled and ended all operations related to Shared Responsibility Committees program.

Answer. Response was not received at the time of publication.

Question 7a. In June 2014, the DOJ, under former Attorney General Holder, announced the reestablishment of its Domestic Terrorism Executive Committee, which had been defunct for several years. The committee includes DOJ leadership and is co-chaired by a member of the U.S. Attorney community, the DOJ National Security Division, and the FBI. It is designed to promote information sharing and collaboration in Federal efforts to fight domestic terrorism. Additionally, in April, Attorney General Sessions established a Hate Crimes Subcommittee as part of DOJ’s Task Force on Crime Reduction and Public Safety.

Please provide an update on the work of this group.

Question 7b. What specifically is the FBI’s role?

Answer. Response was not received at the time of publication.

Question 8a. Do you believe that HVEs present an emerging threat to the homeland?

Question 8b. How can we be more effective in preventing these attacks and “lone wolf” attacks?”

Answer. Response was not received at the time of publication.

Question 9a. The FBI and DHS produced an intelligence bulletin on May 11, 2017, that purported to warn about the “persistent threat of lethal violence” from white supremacist groups. The data reported in the bulletin claimed there were 49 homicides in 26 attacks from 2000 to 2016, but these numbers are significantly lower than those reported by academics who study this issue.

Please provide a full list of the 49 homicides in 26 attacks from 2000 to 2016.

Question 9b. How do you account for these discrepancies?

Question 9c. Do these discrepancies affect local law enforcement efforts to police such groups?

Answer. Response was not received at the time of publication.

Question 10a. Between 1977 and 2016, there have been hundreds of crimes committed against reproductive health care facilities and abortion providers, including at least 11 murders, 26 attempted murders, 42 bombings, 186 arsons, 98 attempted bombings or arsons, and 411 clinic invasions. Please provide any data that your agency has used to track crimes targeting reproductive health care facilities and abortion providers.

Does violence aimed at reproductive health care clinics, doctors, patients, and staff fall under the Federal statutory definition of “domestic terrorism”?

If not, when would anti-abortion violence rise to the level of “domestic terrorism”?

Question 10b. Are the Department of Homeland Security, the FBI, and the National Counterterrorism Center currently committing funding and staff to investigate violence against reproductive health care clinics, doctors, patients, and staff in order to identify whether any patterns and practices emerge?

- If yes, please explain what level of personnel and budget is being provided.

- If not, why not?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE VAL BUTLER DEMINGS FOR CHRISTOPHER A. WRAY

Question 1. Most of the administration’s CVE efforts to date have been focused on Muslim communities. However, recent reports, arrests, and convictions indicate that new recruits to ISIS do not have a particular ethnic background and are not always familiar with Islam. Moreover, as we have seen in the recent tragic events in Charlottesville and Las Vegas, not all “extremists” are adherents of Islam. How are the CVE programs being tailored to target a wider audience to reach would-be perpetrators of extremist attacks?

Answer. Response was not received at the time of publication.

Question 2a. The agencies engaged in CVE programs have both law enforcement and intelligence-gathering responsibilities. However, the purpose of CVE programs is to foster substantive relationships with the community and to reach vulnerable populations prior to radicalization.

Are there are other Federal agencies that are better equipped to carry out that mission?

Answer. Response was not received at the time of publication.

Question 2b. How do you disengage your law enforcement and intelligence-gathering mission when participating in CVE activities?

Answer. Response was not received at the time of publication.

Question 2c. What safeguards are in place to protect the civil liberties of the communities that your agencies are engaging?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE SCOTT PERRY FOR NICHOLAS J. RASMUSSEN

Question 1. What do you consider to be the most critical threat to U.S. National security today?

Answer. Within the counterterrorism mission space, the National Counterterrorism Center believes that the most immediate terrorist threat to the homeland is the threat of violence carried out by Home-grown Violent Extremists (HVEs)—a threat we expect will persist through the next year.

Question 2. Given that terrorism is merely a tactic—and thus, we are not fighting terrorism—whom would you say are the most dangerous enemies we face today & why?

Answer. We believe that HVEs pose the most immediate terrorism-related threat in the homeland. The individualized nature of the radicalization and mobilization to violence process makes it difficult to identify in advance and disrupt individuals seeking to commit acts of terrorism. Over the next year, we expect that most HVEs

will continue to focus on soft targets, while still considering traditional targets, such as military personnel, law enforcement, and other symbols of the U.S. Government. Additionally, networks aligned with the predominant global Sunni and Shia terrorist groups—ISIS, al-Qaeda, and Lebanese Hizballah—remain potent transnational threats to U.S. global interests. In particular, ISIS's intent to target aviation poses a continuing threat to the United States and other partners worldwide.

Question 3a. Would you agree that the United States faces a domestic insurgency from the forces of Islamic jihad?

If so, what do you think are the most urgent steps the United States must take to protect ourselves from that threat?

Question 3b. If not, why not & what would you say is the most critical domestic security threat we face at this time?

Answer. NCTC believes that the United States is not facing a domestic insurgency from Islamic terrorist elements. We believe that the perpetrators of acts of terrorism in the homeland, who in some cases have been inspired by Sunni violent extremist ideologies, have generally not been directed by Foreign Terrorism Organizations. HVEs in the United States are not typically networked and are geographically dispersed with no major population densities; a central command authority does not direct and/or coordinate operations; and as a group, they do not present a threat to the functioning of government, either State or local.

Question 4. Islamic jihad terror spans the globe & crosses national borders at will, both in the movement of people & by way of the internet. What are the steps you believe most critical for the NCTC to implement in order to stay ahead of the global Islamic Movement & its myriad domestic U.S. operatives?

Answer. We believe it is critical for NCTC and our Intelligence Community (IC) counterparts to strengthen our biometric collection, sharing, and screening capabilities, and to constantly look for ways to adapt and enhance our processes as new technologies and sources of information become available. In addition, as terrorists look to move out of conflict zones and seek refuge in other countries, we need to expand our information-sharing relationships with foreign partner intelligence, law enforcement, and border security services as they pertain to known or suspected terrorists, and when necessary, offer or provide guidance on implementing advanced screening technologies to ensure we are identifying these individuals well in advance of any attempts to travel to the homeland.

As terrorist groups increasingly take to the internet to expand their global support base, it will be critical for our IC, State, local, and private-sector partners to take action in addressing terrorists' exploitation of U.S. technologies. During the past year, we have expanded our capacity to better understand how terrorists are operating on-line and continue to share those insights within the IC and with technology-sector companies to better inform their independent efforts to take action against violent extremist propaganda. We are also providing intelligence support to partners in the Department of Defense (DOD), Federal Bureau of Investigation (FBI), the Global Engagement Center and elsewhere who are working to apply these insights to support military operations, counter-messaging campaigns, and law enforcement disruptions.

Question 5. Please describe your understanding of Antna's international networks & how NCTC acts to counter them.

Answer. We defer to FBI and Department of Homeland Security (DHS) for a response to this question, as they are the primary organizations in the U.S. Government responsible for domestic terrorism. In general, NCTC ensures that agencies, as appropriate, have access to and receive all-source intelligence support needed to accomplish their assigned activities, including to execute their counterterrorism plans or perform independent, alternative analysis.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR NICHOLAS J. RASMUSSEN

Question 1a. Do you believe that HVEs present an emerging threat to the homeland?

Answer. The first recognized HVE attack was conducted in July 2002, and since that time, there have been at least 25 more attacks. We saw an increase in the number of attacks with the announcement of ISIS' caliphate in 2014. We continue to face a persistent threat from HVEs, as individuals heed calls for attacks from ISIS, al-Qaeda, and these groups' branches and on-line supporters. NCTC believes that HVEs are motivated by a combination of factors, including terrorist propaganda, extremist ideology, grievances against the U.S. Government's actions, and personal factors such as unmet psychological needs that can cause an individual to

seek such things as adventure or a sense of purpose. HVEs are often self-initiating, making their plotting hard to detect if they minimize statements of support for extremist groups and refrain from reaching out to like-minded individuals for support or capability building. HVEs most often operate alone or with one close associate or family member and tend to gravitate toward soft targets and simple tactics that do not require advanced skills or outside training.

Question 1b. How can we be more effective in preventing these attacks and “lone-wolf” attacks?

Answer. Developing and resourcing a spectrum of locally-tailored prevention and intervention programs that increase public awareness of terrorist recruitment, build trust between communities and law enforcement, and leverage a multi-disciplinary approach will be key to enhancing our ability to prevent lone-actor attacks. Departments and agencies currently lack sufficient funding to develop and sustain prevention programming and initiatives, which constitute about 0.01 percent of the overall annual U.S. CT budget.

- Prevention programs are most effective when they include and support educators, mental health professionals, local government officials, religious leaders, social service providers, and others who are involved in public safety.
- Prevention programs that proactively address root causes of mobilization generally lead to more durable, long-term solutions.

To support appropriate agencies in fulfillment of their responsibilities to disseminate terrorism information, NCTC offers several programs to increase awareness of radicalization and recruitment and to empower State and local partners to develop locally-tailored CT programs. These specific tools include the Community Awareness Brief (CAB) and the Terrorism Prevention Planning Workshop. NCTC and FBI case study research has found that in 75 percent of HVE cases at least one person—usually a peer or family member—became aware of a subject’s violent extremist views or activities, but more than half did not report their concerns to law enforcement. Academic research suggests these individuals do not report their concerns to Countering Violent Extremist service providers or law enforcement primarily because they do not want to get their friend, family member, or themselves in trouble; however, we believe opportunities exist to increase reporting by improving public understanding of the factors that contribute to radicalization and mobilization to violence, as well as enabling multiple options to report concerning behavior.

Question 2a. The FBI and DHS produced an intelligence bulletin on May 11, 2017 that purported to warn about the “persistent threat of lethal violence” from white supremacist groups. The data reported in the bulletin claimed that there were 49 homicides in 26 attacks from 2000 to 2016, but these numbers are significantly lower than those reported by academics who study this issue.

Please provide a full list of the 49 homicides in 26 attacks from 2000 to 2016.

Question 2b. How do you account for these discrepancies?

Question 2c. Do these discrepancies affect local law enforcement efforts to police such groups?

Answer. NCTC defers to FBI and DHS to address this question, as they are the primary organizations in the U.S. Government responsible for domestic terrorism.

Question 3a. Between 1977 and 2016, there have been hundreds of crimes committed against reproductive health care facilities and abortion providers, including at least 11 murders, 26 attempted murders, 42 bombings, 86 arsons, 98 attempted bombings or arsons, and 411 clinic invasions. Please provide any data that your agency has used to track crimes targeting reproductive health care facilities and abortion providers.

Does violence aimed at reproductive health care clinics, doctors, patients, and staff fall under the Federal statutory definition of “domestic terrorism”?

If not, when would anti-abortion violence rise to the level of “domestic terrorism”?

Question 3b. Are the Department of Homeland Security, the FBI, and the National Counterterrorism Center currently committing funding and staff to investigate violence against reproductive health care clinics, doctors, patients, and staff in order to identify whether any patterns and practices emerge?

If yes, please explain what level of personnel and budget is being provided.

If not, why not?

Answer. NCTC defers to FBI and DHS to address this question, as they are the primary organizations in the U.S. Government responsible for domestic terrorism.

QUESTIONS FROM HONORABLE VAL BUTLER DEMINGS FOR NICHOLAS J. RASMUSSEN

Question 1. Most of the administration’s CVE efforts to date have been focused on Muslim communities. However, recent reports, arrests, and convictions indicate

that new recruits to ISIS do not have a particular ethnic background and are not always familiar with Islam. Moreover, as we have seen in the recent tragic events in Charlottesville and Las Vegas, not all “extremists” are adherents of Islam. How are the CVE programs being tailored to target a wider audience to reach would-be perpetrators of extremist attacks?

Answer. In response to growing demand from Federal, State, local, and community partners for tools and programs that reflect a comprehensive view of the domestic terrorist threat picture, NCTC and its other interagency partners worked with the interagency CVE Task Force in early 2017 to update all of our programs—including the Community Awareness Brief (CAB), the CAB Training Program, and Terrorism Prevention Planning Workshop—to ensure that they are responsive to the full spectrum of violent ideologies in the United States, from ISIS-inspired ideologies, to violent anarchist ideologies, to violent white supremacist ideologies. In support of DRS, Department of Justice (DOJ), and FBI, NCTC has integrated information on the full spectrum of violent extremist ideologies into our preventing terrorism workshops, which are presented to a wide variety of audiences and not just to any particular faith group.

Question 2a. The agencies engaged in CVE programs have both law enforcement and intelligence-gathering responsibilities. However, the purpose of CVE programs is to foster substantive relationships with the community and to reach vulnerable populations prior to radicalization.

Are there other Federal agencies that are better equipped to carry out that mission?

Answer. In light of the dynamic threat posed by all forms of violent extremists targeting Americans, the whole-of-Government, not just security agencies, must respond with innovative approaches to prevent radicalization to violence in the United States. No one agency has all of the authorities or resources to tackle this on its own.

- The interagency CVE Task Force was established in January 2016 to serve as a coordinating body to manage and synchronize the integration of whole-of-Government efforts to empower local partners to prevent violent extremism.
- The CVE Task Force was established to include full-time staff from NCTC, FBI, DHS, and DOI, as well as participation from non-security agencies including HHS, Education, State, and United States Agency for International Development (USAID.) As of fiscal year 2018, the CVE Task Force continued to seek the interagency staffing support and resources to execute its mission. The current levels of staffing have severely inhibited the Task Force’s ability to operate, set policy objectives and coordinate whole-of-Government CVE issues.

NCTC has supported the interagency—including DOJ, FBI, DHS, and the interagency CVE Task Force—to convene and facilitate Prevention initiatives, training, and tools to raise awareness and counter terrorist recruitment efforts.

Question 2b. How do you disengage your law enforcement and intelligence-gathering mission when participating in CVE activities?

Answer. NCTC, for its part, does not have a law enforcement mission. Additionally, the 2016 Strategic Implementation Plan for the National CVE Strategy clearly outlined a separation between community engagement and intelligence collection.

Question 2c. What safeguards are in place to protect the civil liberties of the communities that your agencies are engaging?

Answer. NCTC has instituted multiple safeguards to protect the civil liberties of members of the communities we engage. First, NCTC’s staff involved in CVE activities do not have an intelligence collection function, therefore none of our staff would be engaging for that purpose. Second, only our staff who work on policy and/or strategy, and not intelligence analysis, conduct terrorism prevention briefings with communities. Third, all of the material we present is cleared by our civil rights office prior to distribution. Last, all of our training material has been vetted by the interagency to ensure it adheres to interagency civil rights and civil liberties standards.

QUESTIONS FROM HONORABLE SCOTT PERRY FOR RICHARD COHEN

Question 1. How does the SPLC work with a major internet search engine like Google to adjust its algorithms to produce search results that either highlight SPLC-designated hate groups, or push those results further down the search chain?

Answer. Response was not received at the time of publication.

Question 2. How does the SPLC work with Google or its subsidiaries, including YouTube, to modify search results of SPLC-designated people or groups?

Answer. Response was not received at the time of publication.

Question 3. How does the SPLC work with Facebook, Twitter, and other social media to block, suspend, or ban individuals or groups the SPLC designates as “haters?”

Answer. Response was not received at the time of publication.

Question 4. How does the SPLC work with internet companies like YouTube and Facebook to single out people and groups it designates as undesirable, and deprive them of revenues from advertisements, subscriptions, or payments?

Answer. Response was not received at the time of publication.

Question 5. How does the SPLC work with credit card, money transfer, and banking services to deprive its designated “undesirables” from legitimate and lawful financial transactions and revenue receipts?

Answer. Response was not received at the time of publication.

Question 6. Does the SPLC condemn attempts to pressure or persuade Visa, MasterCard, American Express, Discover, PayPal, Square, J.P. Morgan Chase, and other financial services companies to deprive innocent people and organizations, who are engaged in lawful activity, of lawful income?

Answer. Response was not received at the time of publication.

Question 7. Since news organizations, research groups, and until recently, Federal agencies have used SPLC data to determine whether an organization is considered a hate group or an extremist group, what are your scientific methodologies and criteria for designating an organization as a “hate group”?

Answer. Response was not received at the time of publication.

Question 8. What are your scientific methodologies and criteria for designating an individual or organization as an “extremist”?

Answer. Response was not received at the time of publication.

Question 9. Is intent to overthrow the Constitution of the United States a major factor in the SPLC’s designation of a person or organization as “extremist”?

Answer. Response was not received at the time of publication.

Question 10. What are the SPLC criteria for designating non-violent and peaceful groups like the Family Research Council as extremist, yet not designating violent groups like Antifa as extremist?

Answer. Response was not received at the time of publication.

Question 11. Below are some individuals and organizations that the SPLC has listed as “extremists” or “hate groups” in your Field Guide to Anti-Muslim Extremists. and will ask you to describe the methodologies the SPLC has used to make those designations:

- Ayaan Hirsi Ali, a Somali refugee and victim of female genital mutilation. Why does SPLC classify her as an extremist?
- Steve Emerson, whom the SPLC denigrates as a “self-described” terrorism expert, when in fact he is a widely-regarded terrorism expert. None of the information the SPLC provides in its profile shows that Emerson is either “anti-Muslim” or an “extremist.” What is SPLC’s basis for designating Emerson in those terms?
- Robert Muise, a free-speech attorney with the non-profit American Freedom Law Center. He has litigated to oppose unconstitutional Sharia law in the United States, and defended controversial figures on First Amendment grounds. Why does the SPLC consider him an “anti-Muslim extremist”?
- Family Research Council, an organization dedicated to protecting traditional American values. What scientific methodology did the SPLC use to designate the FRC as an extremist or hate group?

Answer. Response was not received at the time of publication.

Question 12. Why have you included in your hate groups list mainstream, non-violent public policy groups like the Family Research Council and public interest law firms like Alliance Defending Freedom, but not Antifa or Black Lives Matter, which actually call for violence against individuals?

Answer. Response was not received at the time of publication.

Question 13. While I think many Americans would agree that some of the groups on your list, like the KKK, are objectionable, would you agree—yes or no—that you list some groups as haters or extremists simply because you find objectionable the fact that they are pro-Israel, pro-Christian, or pro-police?

Answer. Response was not received at the time of publication.

Question 14. Do you stand by former SPLC employee Mark Potok’s statement that a purpose of the SPLC Hate Group list is to “destroy” the groups included on it?

Answer. Response was not received at the time of publication.

Question 15. I want to calibrate your methodology by asking you to respond “yes” or “no” on whether the SPLC considers the following organizations to be hate groups or extremist groups:

- Antifa

- Workers World Party
- Revolutionary Communist Party
- Muslim Brotherhood
- ISIS/Islamic State/Daesh
- American Family Association
- Family Research Council
- Federation for American Immigration Reform
- Traditional Values Coalition

Answer. Response was not received at the time of publication.

Question 16. Are you aware that Floyd Lee Corkins, who was convicted of domestic terrorism in Federal court, used your hate map for his list of targets when he entered Family Research Council with the intention of killing as many of the people there as possible, and actually shot Leo Johnson, the building manager of Family Research Council?

Answer. Response was not received at the time of publication.

Question 17. In 2012, Mr. Corkins, the domestic terrorist who shot the building manager of the Family Research Council, and who intended to murder as many Family Research Council staff as he could, said that the SPLC website inspired him to target the organization.

- Did the SPLC ever condemn the terrorist attack on the Family Research Council?
- Did the SPLC ever contact the Family Research Council to express its concern?
- Did the SPLC use the shooting as an opportunity to further attack FRC and make them even more a target for violence?

Answer. Response was not received at the time of publication.

Question 18. In 2017, an armed violent extremist attempted to assassinate several Members of the U.S. Congress and Senate, severely wounding our colleague, Congressman Steve Scalise. The would-be assassin had “liked” the SPLC on social media, leading to concerns that the SPLC could have inspired him to try to murder Federal lawmakers, as the Family Research Council shooter had been inspired. What has SPLC done to ensure that its material does not radicalize people to become violent?

Answer. Response was not received at the time of publication.

Question 19. How many of the groups you designate as “hate” groups actually have fewer ties to domestic terrorist attacks than the SPLC itself?

Answer. Response was not received at the time of publication.

Question 20. The SPLC has done considerable reporting on the extremist “Unite the Right” rally in Charlottesville last month that resulted in a clash between white supremacists and Antifa, the homicide of a protester, and the accidental deaths of two police officers. SPLC has a biography of Unite the Right organizer Jason Kessler, who SPLC terms as “a relative newcomer to the white nationalist scene.” SPLC goes back at least 12 years in Kessler’s biography and draws from police reports. Then it says, “Regardless of Kessler’s past politics, the rightward shift in his views was first put on display in November 2016” That was only 10 months ago.

- Why did the SPLC not describe Kessler’s “past politics” before November 2016?
- Is it because Kessler had, at least to that point, been a prominent leftist activist involved in “progressive” politics, including voting for Barack Obama?
- Doesn’t this selective reporting obscure the possibility that Kessler was more likely to have been a provocateur than a recent convert to “white supremacist” views he had until recently found anathema?

Answer. Response was not received at the time of publication.

Question 21. What is SPLC’s approach to Islamist and left-wing extremists who pose a danger to the public and the Nation?

Answer. Response was not received at the time of publication.

Question 22. It is important to note for the record that the SPLC has identified the Nation of Islam as one of several “incubators of radical fanaticism.” Therefore, I am asking questions about the Muslim Brotherhood and whether it is also an incubator of radical fanaticism.

- A search of the SPLC’s website does not find the SPLC to have identified the Muslim Brotherhood, or any of its fronts or controlled organizations, to be extremist groups or hate groups. Is this correct?
- Given that the Muslim Brotherhood’s stated objective is a global caliphate, a dictatorship under the totalitarian Islamic law known as Sharia. Such a dictatorship would exterminate or repress all religious and political minorities, including other Muslims. Why does SPLC not consider this extremist?
- Establishment of a global caliphate requires the overthrow of the Constitution of the United States. Since the Muslim Brotherhood’s end-state therefore re-

quires the overthrow of the Constitution of the United States, does the SPLC not consider the Muslim Brotherhood to be an extremist organization that is dangerous to our country?

Answer. Response was not received at the time of publication.

Question 23. On October 19 of this year, the Southern Poverty Law Center sent out a fundraising email, signed by Richard Cohen, that stated “We’ve always believed it’s important to take on groups like the FRC that have a foothold in the mainstream. In many ways, they’re more dangerous to our country than hatemongers who wear robes and hoods.”

- Please explain Cohen’s statement that mainstream conservative organizations are more dangerous than the KKK (ie, “hatemongers who wear robes and hoods”), specifically the Family Research Council. Please cite the prevailing legal authority the SPLC uses to define “dangerous” in this statement.
- Please list which organizations the SPLC includes as “groups like the FRC that have a foothold in the mainstream” and explain, for each one, why it is more dangerous than the KKK (i.e., “hatemongers who wear robes and hoods”).

Answer. Response was not received at the time of publication.

Question 24. The SPLC has published numerous statements claiming that Donald Trump’s campaign and election “energized” and “coincided” with a statistical increase in hate crimes and “hate groups”. Here are two examples:

Richard Cohen published an editorial on November 13, 2017 on the FBI’s hate crime report, in which he stated [emphasis added]: “The significant increase over the last 2 years coincides with Donald Trump’s racist, xenophobic campaign and its immediate aftermath. We reported a surge in hate crimes and other bias-related incidents—many of them carried out in Trump’s name—in the days after the election. The new FBI report confirms our findings, showing a 25 percent rise during the final 3 months of 2016.” <https://www.splcenter.org/news/2017/11/13/hate-crimes-rise-second-straight-year-anti-muslim-violence-soars-amid-president-trumps>

Similarly, in Richard Cohen’s testimony before the committee November 30, 2017 he stated, “the white supremacist movement has been energized by Mr. Trump’s campaign, proof that Mr. Trump’s campaign has ‘unearthed some demons,’ to use Congressman Sanford’s words.” https://www.splcenter.org/sites/default/files/cohen_homeland_security_final.pdf

However, on November 27, 2017—3 days before Mr. Cohen’s testimony—*The Washington Post* carried an article on statistical trends in reported hate crimes. The article stated:

“Those increases [i.e. increases in reported hate crimes] occurred alongside an increase in the number of hate groups nationally, as tracked by the Southern Poverty Law Center. In 2014, the SPLC tracked 784 hate groups. In 2016, the number rose to 917, up nearly 17 percent. While the SPLC argues that the increase is a function of right-wing groups being ‘energized’ by Donald Trump’s Presidential campaign, we hasten to note that there is no strong correlation between the frequency of victimization and politics. Many States in the Northeast showed higher rates of hate crimes in 2016. Nor was there a pattern in the increase from 2014 to 2016 by State.” https://www.washingtonpost.com/news/politics/wp/2017/11/27/why-treating-white-nationalists-as-normal-americans-is-unacceptable/?utm_term=.8d1af4209d52.

- Why did Richard Cohen testify that there was a correlation between Donald Trump’s campaign and increases in hate crimes 3 days after *The Washington Post* demonstrated that this SPLC assertion is a false correlation?
- Will SPLC publish a retraction of their earlier claims about President Trump and hate crimes, including that made in the November 30 testimony before this committee, given *The Washington Post*’s findings that refute the SPLC’s claims?

Answer. Response was not received at the time of publication.

Question 25. The annual SPLC hate map identifies towns across America as locations “for hate groups.” Local law enforcement agencies in many towns have expended significant resources to follow up on SPLC accusations that a “hate group” is in their communities. According to media reports, these agencies have found no evidence or only sparse or discredited evidence. Local newspapers have also documented a history of the SPLC’s refusal to respond expeditiously to local law enforcement requests for evidence of SPLC’s claims.

Here are examples of five American towns that have refuted the SPLC’s claims:

- In 2015, the Altamont, NY police, along with the FBI, the New York State Police, the Albany County Sheriff’s Office, and the Guilderland Police Department, spent significant time trying to verify the SPLC’s claim that a KKK group was in Altamont. They could find no evidence of the claim. According to *The Altamont Enterprise*, the police chief “expressed frustration that he, along with

members of other local law enforcement agencies, had not had calls returned from the Southern Poverty Law Center.” The SPLC eventually did talk to the Altamont Enterprise and claimed that the SPLC’s source was an anonymous “law enforcement source,” who, the SPLC stated, refused to talk to either the newspaper or local law enforcement. According to the Altamont Enterprise, all law enforcement agencies that the newspaper contacted said they were not the anonymous source. The mayor stated, “The last thing I want to see happen is that the village’s reputation as a wonderful, safe, and welcoming community is destroyed in the process of seeking to assess the validity of these claims.”

- April 2015: “Is the KKK in Altamont?” <https://altamontenterprise.com/04022015/kkk-altamont>
- In August 2017, two small towns in Michigan—Trenton and Wyandotte—disputed being called hate centers by the SPLC. The SPLC claimed a KKK group was in Trenton, and a Neo-Nazi group was in Wyandotte. In Trenton, a single individual, known to the police, had twice distributed fliers. As the Trenton police chief said, “An individual in an apartment with a copy machine does not accurately represent the title” of a “hate group,” and called the SPLC’s claim irresponsible. The Wyandotte police chief was puzzled why they were even on the list and was unaware of any Neo-Nazi groups or incidents. Both towns are still on the SPLC hate map.
- August 18: “Downriver police reject notion that their cities have ties to hate groups” http://www.thenewsherald.com/news/downriver-police-reject-notion-that-their-cities-have-ties-to/article_ba5c4802-5879-5a7d-aede-70e69b227bb6.html.
- Also in August 2017, the police chief in Gurnee, Illinois—which the SPLC had identified as hosting a KKK group—repudiated the SPLC’s claim, after expending significant local police resources, as well as consulting the Illinois State Police State-wide Terrorism and Intelligence Center. Gurnee police contacted the SPLC but didn’t hear back until a week later. The SPLC stated that an individual had registered at a KKK site and used Gurnee as his address. Gurnee police said an investigation into the name concluded there is no record of anyone by that name having been a Gurnee resident. Nonetheless, the SPLC refused to remove Gurnee as the site of a KKK “hate group,” stating that they only review and revise the map once a year, and that Gurnee’s listing will be reviewed again in January 2018. The SPLC did not return calls to *The Chicago Tribune* reporter covering the Gurnee case. Gurnee is still on the SPLC Hate Map.
- August 31: “Lester: Gurnee says no evidence of reported Klan activity” <http://www.dailyherald.com/news/20170831/lester-gurnee-says-no-evidence-of-reported-klan-activity>.
- September 8: “Maybe next year: Gurnee continues battle to remove its name from hate-group map” <http://www.chicagotribune.com/suburbs/lake-county-news-sun/news/ct-lns-gurnee-hate-map-st-0909-20170908-story.html>.
- But only 1 week earlier in August 2017, for a different town, the SPLC applied a completely opposite policy on revisions to the Hate Map. The SPLC’s assertion to the Gurnee law enforcement agency—that they’d have to wait until 2018 to get off the Hate Map—was 100 percent contradicted by an action the SPLC had taken just 1 week before in Clear Creek, Iowa. In that case, which received wide-spread publicity and public pressure (unlike Gurnee and the other towns), the SPLC removed Clear Creek from the Hate Map after police and elected officials repudiated the SPLC’s claims that Clear Creek was hosting a Neo-Nazi group. The SPLC’s “evidence” was a mention in an on-line forum of a meeting of a Nazi book club at the Amana Colonies. Clear Creek is now removed from the SPLC Hate Map.
- August 21: “Amana leaders seek explanation for being called home of hate group” <http://www.press-citizen.com/story/news/local/amana-clear-creek/2017/08/21/amana-leaders-seek-explanation-being-called-home-hate-group/586229001/>.
- August 22: “Group stands behind claims of Iowa neo-Nazi group” <http://www.press-citizen.com/story/news/local/amana-clear-creek/2017/08/22/splc-stands-behind-claims-amana-neo-nazi-group/591491001/>.
- August 28: “SPLC removes Amana from hate group map” <http://www.press-citizen.com/story/news/local/amana-clear-creek/2017/08/28/splc-removes-amana-hate-group-map/610471001/>.
- Given this documented history of discredited SPLC claims and the SPLC’s lack of cooperation with local law enforcement, it appears that the SPLC’s annual listing of “hate groups” potentially wastes law enforcement resources and risks

negligently damaging the reputation and local economies of American communities.

Given these risks, will the SPLC improve its policies on the quality, verification, and transparency of evidence for the 2018 Hate Map, to prevent similar failures in the future?

Answer. Response was not received at the time of publication.

Question 26. Will the SPLC commit that the 2018 Hate Map will show the evidence for each “hate group” and “hate incident” claim, with on-line links or uploaded documents that are available for immediate public review?

Answer. Response was not received at the time of publication.

Question 27. Will the SPLC commit that the 2018 Hate Map will provide an accountable and transparent process for local media, law enforcement, and elected leaders to request that their towns be removed from the SPLC Hate Map within a week of the request—as the SPLC did for Clear Creek—if the SPLC’s “evidence” is demonstrated either to be non-existent or misleading, or if local law enforcement repudiates the SPLC claim that a local group is in fact a so-called “Hate Group”?

Answer. Response was not received at the time of publication.

Question 28. Since 2009, SPLC “hate incident” and “hate group” data has been incorporated in the Extremist Crime Data Base at the Consortium for the Study of Terrorism and Responses to Terrorism (START), which is primarily funded by the Department of Homeland Security. Between 2010 and 2017, over 35 academic papers were published using the Extremist Crime Data Base, for which SPLC had provided various types of data on “hate incidents” and “hate groups.” At least three of these published academic papers focused primarily on the SPLC “hate group” lists.

In the years since SPLC provided the data now incorporated in the Extremist Crime Data Base, START staff presented numerous briefings on the Extremist Crime Data Base findings, based in part on this SPLC data, to the CIA, FBI, Secret Service, Transportation Safety Administration, the director of national intelligence, and the House Committee on Homeland Security. These briefings potentially affected policy decisions.

However, for decades, mainstream media, academic experts, and local law enforcement in towns across America have raised serious questions about the accuracy and evidence associated with SPLC “hate group” and “hate incident” data. To list representative examples from just 3 months ago, the police chiefs and elected officials in Trenton, MI, Wyandotte, MI, Gurnee, IL, and Clear Creek, IA have all repudiated the SPLC’s claims about “hate incidents” and “hate groups” in their towns.

Therefore, the use of discredited SPLC “hate incident” and “hate group” data in a Government-funded intelligence resource should be of grave concern to policy makers. The potential discrediting of a key Government database by introducing inadequately validated and verified data imposes real risks on our ability to make accurate threat assessments for homeland security.

In spite of years of concerns expressed about SPLC’s data integrity, on September 16, 2016 Richard Cohen presented testimony based on the Extremist Crime Data Base to the Subcommittees on National Security and Government Operations, of the House Committee on Oversight and Government Reform. In his written testimony for the November 30, 2017 House Homeland Security Committee, Cohen again cited studies based on the START Extremist Crime Data Base research. In neither of these testimonies did he disclose that the database has incorporated SPLC data, nor that the SPLC’s data may have substantial errors.

Given that local law enforcement is repudiating SPLC “hate incident” and “hate group” data, will SPLC notify the START Consortium about the risks SPLC data has introduced to the integrity of the Extremist Crime Data Base?

Answer. Response was not received at the time of publication.

Question 29. Will SPLC notify DHS and the other agencies and Congressional committees who were briefed, and who may have made policy decisions based on discredited data?

Answer. Response was not received at the time of publication.

Question 30. Will SPLC provide to this committee the evidence for every “hate incident” and “hate group” that SPLC has provided to the START group, for an independent risk assessment as to the integrity of the data that has been used since at least 2009 in intelligence assessments for homeland security?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE CLAY HIGGINS FOR RICHARD COHEN

Question 1a. News organizations, research groups, and law enforcement organizations have used Southern Poverty Law Center (SPLC) data to determine whether an organization is considered a hate group or an extremist group. I am concerned

about the apparent absence of scientific methodologies and criteria for designating an organization as a hate group.

What are your scientific methodologies and criteria for designating an individual or organization as an “extremist”?

Answer. Response was not received at the time of publication.

Question 1b. Please explain how your methodology provided as an answer to question 1a was applied in your determination to classify, Ayaan Hirsi Ali, a Somali refugee and victim of female genital mutilation as an extremist.

Answer. Response was not received at the time of publication.

Question 2a. Please provide the committee with a cross-referenced accounting of your donor list with the following groups identified on U.S. Department of State’s Foreign Terrorist Organization (FTO) list,¹ for any group appearing on both your donor list and the official FTO listing.

For your convenience the FTO list is as follows: Abu Sayyaf Group (ASG); Aum Shinrikyo (AUM); Basque Fatherland and Liberty (ETA); Gama’a al-Islamiyya (Islamic Group) (IG); HAMAS; Harakat ul-Mujahidin (HUM); Hizballah; Kahane Chai (Kach); Kurdistan Workers Party (PKK) (Kongra-Gel); Liberation Tigers of Tamil Eelam (LTTE); National Liberation Army (ELN); Palestine Liberation Front (PLF); Palestinian Islamic Jihad (PIJ); Popular Front for the Liberation of Palestine (PFLP); PFLP–General Command (PFLP–GC); Revolutionary Armed Forces of Colombia (FARC); Revolutionary People’s Liberation Party/Front (DHKP/C); Shining Path (SL); al-Qaeda (AQ); Islamic Movement of Uzbekistan (IMU); Real Irish Republican Army (RIRA); Jaish-e-Mohammed (JEM); Lashkar-e Tayyiba (LeT); Al-Aqsa Martyrs Brigade (AAMB); Asbat al-Ansar (AAA); al-Qaeda in the Islamic Maghreb (AQIM); Communist Party of the Philippines/New People’s Army (CPP/NPA); Jemaah Islamiya (JI); Lashkar i Jhangvi (LJ); Ansar al-Islam (AAI); Continuity Irish Republican Army (CIRA); Islamic State of Iraq and the Levant (formerly al-Qaeda in Iraq); Islamic Jihad Union (IJU); Harakat ul-Jihad-i-Islami/Bangladesh (HUJI–B); al-Shabaab; Revolutionary Struggle (RS); Kata’ib Hizballah (KH); al-Qaeda in the Arabian Peninsula (AQAP); Harakat ul-Jihad-i-Islami (HUJI); Tehrik-e Taliban Pakistan (TTP); Jundallah; Army of Islam (AOI); Indian Mujahideen (IM); Jemaah Anshorut Tauhid (JAT); Abdallah Azzam Brigades (AAB); Haqqani Network (HQN); Ansar al-Dine (AAD); Boko Haram; Ansaru; al-Mulathamun Battalion; Ansar al-Shari’a in Benghazi; Ansar al-Shari’a in Darnah; Ansar al-Shari’a in Tunisia; ISIL Sinai Province (formally Ansar Bayt al-Maqdis); al-Nusrah Front; Mujahidin Shura Council in the Environs of Jerusalem (MSC); Jaysh Rijal al-Tariq al Naqshabandi (JRTN); ISIL–Khorasan (ISIL–K); Islamic State of Iraq and the Levant’s Branch in Libya (ISIL–Libya); al-Qaeda in the Indian Subcontinent; Hizbul Mujahideen (HM).

Question 2b. Please also include any donations by senior members or people in leadership positions of groups or organizations listed in 2a.

Answer. Response was not received at the time of publication.

Question 3a. During the hearing, you stated that the SPLC does in fact utilize offshore accounts for many millions of dollars of funds and that your organization does this to avoid having to comply with “certain kinds of filings” and “unrelated business income tax.”

Please provide the committee with a detailed list of the “filing” requirements SPLC is avoiding through its utilization of offshore accounts.

Answer. Response was not received at the time of publication.

Question 3b. Please provide the committee with a detailed list of the “unrelated business income” taxes that SPLC is avoiding through its utilization of offshore accounts.

Answer. Response was not received at the time of publication.



¹<https://www.state.gov/j/ct/rls/other/des/123085.htm>.