



November 2020

Statute	Pub. L. 116-92 – National Defense Authorization Act for Fiscal Year 2020
Requirements	<ul style="list-style-type: none"> • Develop standardized definitions of terminology relating to domestic terrorism (DT) and uniform methodologies for tracking incidents of DT • This is requested to be done jointly by the Federal Bureau of Investigation (FBI) and the U.S. Department of Homeland Security (DHS), and in consultation with the Director of National Intelligence.

Under FBI policy and federal law, no investigative activity may be based solely on First Amendment activity. The FBI does not investigate, collect, or maintain information on US persons solely for the purpose of monitoring activities protected by the First Amendment. All personnel should exercise sound judgment and discretion in evaluating the totality of circumstances surrounding any of these indicators in order to determine whether a law enforcement or intelligence response or activity is warranted.

Definitions

Domestic Terrorism for the FBI’s purposes is referenced in U.S. Code at 18 U.S.C. 2331(5), and is defined as activities:

- Involving acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;
- Appearing to be intended to:
 - Intimidate or coerce a civilian population;
 - Influence the policy of government by intimidation or coercion; or
 - Affect the conduct of a government by mass destruction, assassination or kidnapping;
 and
- Occurring primarily within the territorial jurisdiction of the United States.

This is a definitional statute, not a charging statute. We talk about the threat these actors pose as Domestic Terrorism threats, but each of the FBI’s threat categories, described in further detail below, uses the words “violent extremism” because the underlying ideology itself and the advocacy of such beliefs is not prohibited by US law.

In using the term Domestic Terrorism, DHS looks to the Homeland Security Act definition of terrorism, 6 U.S.C. 101(18), which is substantially similar but not identical to the title 18 definition. That provision defines terrorism as any activity that:

- Involves an act that:
 - Is dangerous to human life or potentially destructive of critical infrastructure or key resources; and
 - Is a violation of the criminal laws of the United States or of any State or other subdivision of the United States; and
- Appears 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.

In this vein, the FBI and DHS use the term Domestic Violent Extremist (DVE) to describe an individual based and operating primarily within the territorial jurisdiction of the United States who seeks to further their ideological goals wholly or in part through unlawful acts of force or violence.¹ It is important to remember that the mere advocacy of ideological positions and/or the use of strong rhetoric does not constitute violent extremism, and in some cases direct or specific threats of violence must be present to constitute a violation of federal law.

Terminology

The US Government, including the FBI and DHS, continually reviews and evaluates intelligence to ensure it is appropriately identifying and categorizing a variety of national security threats to the Homeland. As part of this continual internal review, the FBI and DHS reconfigure broad threat categories as the threats evolve. While categories help the FBI better understand the criminal actors we pursue, we recognize actors' motivations vary, are nuanced, and sometimes are derived from a blend of ideologies. The categories also inform the intelligence and prevention efforts of DHS. Currently, the US Government broadly divides the DT threat among the following threat categories:

Racially or Ethnically Motivated Violent Extremism: This threat encompasses the potentially unlawful use or threat of force or violence in furtherance of ideological agendas derived from bias, often related to race or ethnicity, held by the actor against others or a given population group. Racially or Ethnically Motivated Violent Extremists purport to use both political and religious justifications to support their racially- or ethnically-based ideological objectives and criminal activities.

Anti-Government or Anti-Authority Violent Extremism: This threat encompasses the potentially unlawful use or threat of force or violence in furtherance of ideological agendas, derived from anti-government or anti-authority sentiment, including opposition to perceived economic, social, or racial hierarchies, or perceived government overreach, negligence, or illegitimacy.

Animal Rights/Environmental Violent Extremism: This threat encompasses the potentially unlawful use or threat of force or violence in furtherance of ideological agendas by those seeking to end or mitigate perceived cruelty, harm, or exploitation of animals and/or the perceived exploitation or destruction of natural resources and the environment.

Abortion-Related Violent Extremism: This threat encompasses the potentially unlawful use or threat of force or violence in furtherance of ideological agendas relating to abortion, including individuals who advocate for violence in support of either pro-life or pro-choice beliefs.

All Other Domestic Terrorism Threats: This category encompasses threats involving the potentially unlawful use or threat of force or violence in furtherance of ideological agendas which are not otherwise defined under or primarily motivated by one of the other Domestic Terrorism threat categories. Such agendas could flow from, but are not limited to, a combination of personal grievances and beliefs, including those described in the other Domestic Terrorism threat categories. Some actors in this category may also carry bias related to religion, gender, or sexual orientation.

¹ The DHS Office of Intelligence & Analysis (I&A) does so in accordance with its Attorney General-approved Intelligence Oversight Guidelines (Policy No. IA-1000). I&A uses the term "domestic terrorist," defined in those guidelines, interchangeably with "domestic violent extremist" to describe such an actor.

Methodology

The FBI recognizes a Domestic Terrorism ***Incident*** as an ideologically-driven criminal act, including threats or acts of violence made to specific victims, made in furtherance of a domestic ideological goal, that has occurred and can be confirmed. A single incident may be comprised of a scheme or a serial criminal or violent activity conducted by the same perpetrator(s) using the same tactic(s).

The FBI recognizes a Domestic Terrorism ***Plot*** as a combination of criminal activity and planning that collectively reflect steps toward criminal action in furtherance of a domestic ideological goal. ***Disrupted Domestic Terrorism Plots*** are plots which, in the FBI's assessment, absent law enforcement intervention could have resulted in a Domestic Terrorism incident.

The FBI makes every effort to proactively document lethal and non-lethal Domestic Terrorism incidents, but it is important to note **there is no mandatory incident reporting requirement that mandates state and local law enforcement agencies to report criminal activity that appears to be ideologically-motivated consistent with the DT threat categories previously defined.** This makes it impossible for the FBI to ensure we have complete and comprehensive knowledge of any and all incidents of this nature that may take place across the United States. For example, if the FBI does not receive notification from state and local officials of an ideologically-motivated criminal act, especially one that did not result in injury or loss of life, the FBI may not know to include that incident in our records.