

FACT SHEET: Mikulski-Leahy-Baldwin-Nelson Proposal to Fully Fund the FBI, Keep Guns Out of the Hands of Terrorists, and Prevent Targeted Attacks Driven by Hate

In light of the tragic terrorist attack in Orlando, Senate Democrats have introduced a pro-security funding proposal that would provide the Department of Justice (DOJ) with the resources it needs to stop foreign and domestic terror attacks and to prevent targeted attacks driven by hate. Led by Senators Mikulski, Leahy, Baldwin, and Nelson, this proposal would ensure that the DOJ has the resources it needs to track and stop terrorists plotting to kill Americans. In addition, the amendment would make it easier for the government to prosecute those who traffic firearms to terrorists and other criminals, like the neighbor who provided two assault rifles to the San Bernardino attackers.

The Mikulski-Leahy-Baldwin-Nelson amendment provides law enforcement and prosecutors with new tools to prosecute individuals who transfer firearms to violent criminals and terrorists like the San Bernardino shooters.

- This amendment would give law enforcement and prosecutors stronger tools to investigate and prosecute firearms traffickers and straw purchasers who have a reasonable cause to believe the firearm will be used in a crime of terrorism, crime of violence, or drug trafficking crime.
- This amendment would also help law enforcement and prosecutors go after middlemen by enabling them to act before a terrorist or other criminal has used the trafficked firearm.
- Finally, it would also increase the maximum penalty for firearms trafficking to 15 years from 10 years. The firearms offenses filed against the straw purchaser in the San Bernardino case, for example, were “paperwork” offenses for lying on a Federal form, and have a maximum penalty of 10 years.

The Mikulski-Leahy-Baldwin-Nelson amendment would provide an additional \$231 million to H.R. 2578, the Fiscal Year 2017 Commerce, Justice, Science, and Related Agencies Appropriations Act. Of this amount, \$175 million is dedicated to the Federal Bureau of Investigation’s (FBI) counterterrorism efforts, \$15 million is dedicated to active shooter training, \$30 million is dedicated to the DOJ Civil Rights Division (CRT), and \$11 million is dedicated to the DOJ Community Relations Service. This raises funding for DOJ to \$387.4 million above the Fiscal Year 2016 funding level.

- **Strengthens the FBI’s Counterterrorism Workforce.** The FBI would be able to restore more than 350 positions, including at least 225 Special Agents, for critical FBI investigations and operations related to Counterterrorism and Counterintelligence. The amendment also gives the FBI the training tools it needs.

- The number of terrorism threats disrupted by the FBI grew from 214 in Fiscal Year 2014 to 440 in Fiscal Year 2015. As threats grow, the FBI needs increased resources to hire and sustain the agents and intelligence analysts who interrupt these plots.
- **Increases the FBI's transnational crime and terror watch-listing and information sharing efforts at the Terrorist Screening Center.** Additional funding would increase the FBI's watch-listing and information sharing effort at the Terrorist Screening Center to execute transnational organized crime watch-listing and screening.
 - According to FBI Director James Comey, this funding is critical to expand the Terrorist Screening Center's watch-listing function to include transnational organized criminals, thereby identifying and, when possible, preventing members of cartels and other high priority threat actors from entering the United States. [FBI, 2/25/16]
- **Boosts the FBI's surveillance capabilities and adds critical personnel, including special agents.** Additional funds would provide for at least 36 new positions at the FBI, including more than 18 special agents, fully dedicated to tracking terrorist threats. This funding would enhance the FBI's capabilities to gather evidence on the highest priority targets and, in turn, provide better information to investigative and analytical personnel across law enforcement.
 - FBI Director James Comey has pointed out that an increased threat environment is increasing demand for surveillance support. Physical surveillance is a critical and essential tool in detecting, disrupting, and preventing acts of terrorism, as well as gathering intelligence on those who are capable of doing harm to the nation. [FBI, 2/25/16]
- **Supports funds for active shooter training.** An additional \$15 million in funding would support DOJ grant programs for active shooter training. The Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability (VALOR) Initiative provides funding to state, local, and tribal law enforcement "to reduce and prevent law enforcement officer line of duty injuries and deaths by training officers in techniques for approaching violence encounters." [DOJ, accessed 6/14/16; DOJ, 10/26/10]
- **Supports CRT's fight against discrimination.** An additional \$30 million would bring total funding for CRT to \$178 million and support DOJ efforts to protect Americans from discrimination because of their sexual orientation and gender identity, as well as their race, color, sex, disability, religion, familial status, and national origin, including the investigation and prosecution of hate crimes.

- Additional CRT funding would allow for the hiring of an additional 100 attorneys focused on enforcing federal civil rights and hate crime laws.
 - In 2006, 30,405 civil rights lawsuits were filed in U.S. district courts. [BJS, 8/2008]
 - In 2014, federal law enforcement agencies reported 6,727 victims of hate crimes. 46 of these individuals were the victims of multiple-bias crimes. [FBI, accessed 6/15/16]
 - Of the 6,727 victims of hate crimes reported by federal law enforcement agencies in 2014, 18.7 percent (or 1,248) of victims of single-bias crimes were targeted because of their sexual orientation; 1.6 percent (or 109) of victims of single-bias crimes were targeted because of their genderidentity; and .6 percent (or 40) of victims of single-bias crimes were targeted because of their gender. [FBI, accessed 6/15/16]
- **Helps state and local officials resolve and prevent bias motivated conflict and violence.** An additional \$11 million would support several DOJ Community Relations Service (CRS) initiatives and bring total funding for this program to \$25 million.
 - CRS helps State and local officials find solutions when faced with bias-motivated crises that threaten their communities.
 - Its work, which excludes the investigation or prosecution of cases, is dedicated to crimes motivated by a victim's gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, or disability.
 - Additional CRS funding would allow for the hiring of 10 new mediation specialists to help mediate, train, and facilitate in places across the country where tensions exist or hate crimes have occurred.