

Union Calendar No. 168

116TH CONGRESS
1ST SESSION

H. R. 3106

[Report No. 116–213, Part I]

To require a joint domestic terrorism report, establish within the Department of Homeland Security a National Center for the Study of Domestic Terrorism, authorize research within the Department of Homeland Security on current trends in domestic terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2019

Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. RICHMOND, Mr. PAYNE, Miss RICE of New York, Mr. CORREA, Ms. UNDERWOOD, Mr. ROSE of New York, Ms. SLOTKIN, Mr. CLEAVER, Mr. GREEN of Texas, Ms. CLARKE of New York, Ms. TITUS, Mrs. WATSON COLEMAN, Ms. BARRAGÁN, Mrs. DEMINGS, Ms. TORRES SMALL of New Mexico, and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 19, 2019

Additional sponsors: Ms. NORTON, Ms. OMAR, Ms. SCHAKOWSKY, Mr. ESPAILLAT, Ms. WILSON of Florida, Mr. COHEN, Mr. MCGOVERN, Mr. CISNEROS, Mr. RUSH, Mr. KRISHNAMOORTHY, Mr. SWALWELL of California, Mr. FOSTER, Ms. LEE of California, Ms. SPANBERGER, Mr. CLAY, Mr. BROWN of Maryland, Mr. NEGUSE, Mr. DANNY K. DAVIS of Illinois, Mr. HASTINGS, Mr. LYNCH, Ms. ESCOBAR, Mr. KHANNA, Mr. CASTEN of Illinois, Mr. DEFAZIO, Ms. PRESSLEY, Mr. CUMMINGS, Mr. PANETTA, Mrs. BEATTY, Mr. HIGGINS of New York, Mr. NORCROSS, Mr. RYAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. OCASIO-CORTEZ, Ms. CASTOR of Florida, Ms. FUDGE, Mr. MCEACHIN, Mr. MEEKS, Ms. JUDY CHU of California, Mr. CARBAJAL, and Mr. LAMB

SEPTEMBER 19, 2019

Reported from the Committee on Homeland Security with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 19, 2019

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 5, 2019]

A BILL

To require a joint domestic terrorism report, establish within the Department of Homeland Security a National Center for the Study of Domestic Terrorism, authorize research within the Department of Homeland Security on current trends in domestic terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Domestic and Inter-*
5 *national Terrorism Documentation and Analysis of Threats*
6 *in America Act” or the “Domestic and International Ter-*
7 *rorism DATA Act”.*

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
11 *TEES.—The term “appropriate congressional commit-*
12 *tees” means the Committee on Homeland Security,*
13 *the Committee on the Judiciary, and the Permanent*
14 *Select Committee on Intelligence of the House of Rep-*
15 *resentatives and the Committee on Homeland Secu-*
16 *rity and Governmental Affairs, the Committee on the*
17 *Judiciary, and the Select Committee on Intelligence*
18 *of the Senate.*

19 (2) *DIRECTOR.—The term “Director” means the*
20 *Director of the Federal Bureau of Investigation.*

21 (3) *DOMESTIC TERRORISM.—The term “domestic*
22 *terrorism” has the meaning given such term in sec-*
23 *tion 2331 of title 18, United States Code.*

24 (4) *HATE CRIME.—The term “hate crime” means*
25 *criminal offenses committed in violation of sections*

1 241, 245, 247, and 249 of title 18, United States
2 Code, and section 3631 of title 42, United State Code.

3 (5) *INTERNATIONAL TERRORISM.*—The term
4 “international terrorism” has the meaning given such
5 term in section 2331 of title 18, United States Code.

6 (6) *ONLINE PLATFORM.*—The term “online plat-
7 form” means any public-facing website, web applica-
8 tion, or digital application, including a mobile appli-
9 cation, and includes a social network, an ad network,
10 a search engine, or an email service.

11 (7) *PERSONALLY IDENTIFIABLE INFORMATION.*—
12 The term “personally identifiable information” means
13 any information about an individual elicited, col-
14 lected, stored, or maintained by an agency, including
15 the following:

16 (A) Any information that can be used to
17 distinguish or trace the identity of an indi-
18 vidual, such as a name, a social security num-
19 ber, a date and place of birth, a mother’s maiden
20 name, or biometric records.

21 (B) Any other information that is linked or
22 linkable to an individual, such as medical, edu-
23 cational, financial, or employment information.

24 (8) *SECRETARY.*—The term “Secretary” means
25 the Secretary of Homeland Security.

1 **TITLE I—FEDERAL EFFORTS**
2 **AGAINST DOMESTIC TER-**
3 **RORISM AND INTERNATIONAL**
4 **TERRORISM**

5 **SEC. 101. JOINT DOMESTIC TERRORISM AND INTER-**
6 **NATIONAL TERRORISM REPORT.**

7 (a) *ANNUAL REPORT REQUIRED.*—Not later than 180
8 days after the date of the enactment of this Act and annu-
9 ally thereafter for five years, the Secretary, the Attorney
10 General, and the Director shall submit to the Comptroller
11 General of the United States and the appropriate congres-
12 sional committees a joint report on domestic terrorism and
13 international terrorism.

14 (b) *CONTENTS.*—

15 (1) *IN GENERAL.*—Each report submitted under
16 subsection (a) shall include the following:

17 (A) All guidance, policy memos, and related
18 documents regarding the following:

19 (i) The criteria for opening a domestic
20 or international terrorism investigation, in-
21 cluding any standards of proof required be-
22 fore opening such investigation.

23 (ii) Sharing of domestic or inter-
24 national terrorism information across law
25 enforcement agencies.

1 (iii) *Federal requirements and compli-*
2 *ance with privacy, civil rights, and civil*
3 *liberties policies and protections, including*
4 *protections against the public release of the*
5 *names or personally identifiable informa-*
6 *tion of individuals involved in incidents,*
7 *investigations, indictments, prosecutions, or*
8 *convictions for which data is reported under*
9 *this section.*

10 (B) *A description of the methodology uti-*
11 *lized to identify domestic and international ter-*
12 *rorism investigative classifications (including*
13 *any subcategories) and to assign an investigative*
14 *classification (including any subcategory) to a*
15 *domestic or international terrorism incident.*

16 (C) *The information required under para-*
17 *graph (2).*

18 (2) *INFORMATION ON DOMESTIC TERRORISM AND*
19 *INTERNATIONAL TERRORISM.—Except as provided in*
20 *subparagraph (A), each report submitted under sub-*
21 *section (a) shall include information on incidents of*
22 *domestic terrorism and international terrorism, in-*
23 *cluding, with respect to each investigative classifica-*
24 *tion (including any subcategory) of each such inci-*
25 *dent, the number and type of actual and attempted*

1 *property crimes, the number and type of actual and*
2 *attempted attacks on persons, the number of people*
3 *injured, and the number of people killed, and—*

4 *(A) in the first such report, data on inci-*
5 *dents or attempted incidents of domestic ter-*
6 *rorism and international terrorism that have oc-*
7 *curred in the United States since April 19, 1995,*
8 *disaggregated by fiscal year, including, with re-*
9 *spect to each such incident, the number and type*
10 *of property crimes, the number and type of ac-*
11 *tual and attempted attacks on persons, the num-*
12 *ber of people injured, and number of people*
13 *killed; and*

14 *(B) in each subsequent report for the pre-*
15 *ceding fiscal year—*

16 *(i) data on incidents or attempted inci-*
17 *idents of domestic terrorism and inter-*
18 *national terrorism that occurred in the*
19 *United States, including, with respect to*
20 *each such incident, the number and type of*
21 *actual and attempted property crimes, the*
22 *number and type of actual and attempted*
23 *attacks on persons, the number of people in-*
24 *jured, and the number of people killed; and*

25 *(ii) the number of—*

1 (I) assessments, preliminary in-
2 vestigations, and full investigations
3 with a domestic terrorism or inter-
4 national terrorism nexus initiated by
5 the Federal Bureau of Investigation,
6 disaggregated by investigative classi-
7 fication (including any subcategories),
8 and the number of such investigations
9 that were initiated as a result of a hate
10 crime investigation;

11 (II) indictments with a domestic
12 terrorism or international terrorism
13 nexus, disaggregated by investigative
14 classification (including any subcat-
15 egories), and an explanation of each
16 such indictment;

17 (III) prosecutions with a domestic
18 terrorism or international terrorism
19 nexus, disaggregated by investigative
20 classification (including any subcat-
21 egories), and an explanation of each
22 such prosecution; and

23 (IV) convictions with a domestic
24 terrorism or international terrorism
25 nexus, disaggregated by investigative

1 *classification (including any subcat-*
2 *egories), and an explanation of each*
3 *such conviction; and*

4 *(iii) the number of full-time staff, in-*
5 *cluding position descriptions, employed by*
6 *the Department of Homeland Security and*
7 *the Department of Justice to handle matters*
8 *described in subclauses (I) through (IV) of*
9 *clause (ii), disaggregated by domestic ter-*
10 *rorism and international terrorism.*

11 *(3) BREAKDOWN OF CERTAIN INFORMATION.—*

12 *The information provided under paragraph (2) re-*
13 *lated to the number of people killed or injured shall*
14 *include a breakdown of law enforcement, first re-*
15 *sponders, military personnel, and other government*
16 *officials.*

17 *(c) FORMAT.—The information required pursuant to*
18 *subclauses (I) through (IV) of subsection (b)(2)(B)(ii) may*
19 *be provided in a format that uses the marking associated*
20 *with the Central Records System or any successor system.*

21 *(d) INFORMATION QUALITY.—Each report submitted*
22 *under subsection (a) shall comply with the guidelines issued*
23 *by the Director of the Office of Management and Budget*
24 *pursuant to section 515 of title V of the Consolidated Appro-*
25 *priations Act, 2001 (Public Law 106–554; 114 Stat.*

1 2763A–154) (commonly referred to as the “Data Quality
2 Act”).

3 (e) *CLASSIFICATION AND PUBLIC RELEASE.*—Each re-
4 port submitted under subsection (a) shall be—

5 (1) unclassified with a classified annex only if
6 necessary; and

7 (2) in the case of the unclassified portion of each
8 such report, posted on the public websites of the De-
9 partment of Homeland Security, the Department of
10 Justice, and the Federal Bureau of Investigation.

11 **SEC. 102. ANNUAL COMPTROLLER GENERAL AUDIT OF**
12 **JOINT REPORT ON DOMESTIC TERRORISM**
13 **AND INTERNATIONAL TERRORISM.**

14 (a) *REVIEWS REQUIRED.*—Not later than 180 days
15 after each submission of a joint report on domestic ter-
16 rorism and international terrorism under section 101(a)
17 and for five years thereafter, the Comptroller General of the
18 United States shall submit to the appropriate congressional
19 committees an audit of each such report.

20 (b) *ELEMENTS OF REVIEW.*—In conducting each audit
21 under subsection (a), the Comptroller General of the United
22 States shall—

23 (1) use standard methodology and reporting for-
24 mats in order to identify, demonstrate, and display
25 any changes over time, including relating to the num-

1 *ber of investigations, indictments, prosecutions, con-*
2 *victions, and full-time staff between report submis-*
3 *sions;*

4 *(2) evaluate adherence to such standard method-*
5 *ology and the privacy, civil rights, and civil liberties*
6 *policies and protections set forth in section*
7 *101(b)(1)(A)(iii) and 101(b)(1)(B);*

8 *(3) evaluate all guidance, policy memos, and re-*
9 *lated documents utilized to decide to initiate inves-*
10 *tigations with a domestic terrorism nexus; and*

11 *(4) include any other subject matter the Comp-*
12 *troller General determines appropriate.*

13 *(c) ACCESS TO RELEVANT DATA.—The Attorney Gen-*
14 *eral, the Director, and the Secretary shall ensure that the*
15 *Comptroller General of the United States has access to all*
16 *data necessary to conduct each audit under subsection (a),*
17 *consistent with section 716(a) of title 31, United States*
18 *Code.*

1 **TITLE II—HOMELAND SECURITY**
2 **RESEARCH ON DOMESTIC**
3 **TERRORISM AND INTER-**
4 **NATIONAL TERRORISM**

5 **SEC. 201. RESEARCH ON DOMESTIC TERRORISM AND**
6 **INTERNATIONAL TERRORISM.**

7 (a) *REPORT.*—Not later than 180 days after the date
8 of enactment of this Act and annually thereafter, the Sec-
9 retary, acting through the Under Secretary for Science and
10 Technology of the Department of Homeland Security, shall
11 submit to the Committee on Homeland Security of the
12 House of Representatives and the Committee on Homeland
13 Security and Governmental Affairs of the Senate a report
14 on international terrorism with a nexus, including an ideo-
15 logical or other relationship, with a current trend in domes-
16 tic terrorism in the United States. Each such report shall
17 take into consideration acts that resulted in indictment,
18 prosecution, or conviction, and any patterns among such
19 terrorist acts.

20 (b) *CONTENTS.*—Each report submitted under sub-
21 section (a) shall include the following:

22 (1) *Information on international terrorism with*
23 *ideological, financial, logistical, or other connections*
24 *to domestic terrorism.*

1 (2) *Information on trends in the use of online*
2 *platforms for such terrorism.*

3 (3) *Strategies that foreign governments have un-*
4 *dertaken to counter such terrorism.*

5 (4) *The potential benefits and risks of imple-*
6 *menting such strategies in the United States, includ-*
7 *ing any potential harm to local communities, pri-*
8 *vacancy, civil rights, civil liberties, and safety.*

9 **TITLE III—AUTHORIZATION OF**
10 **APPROPRIATIONS AND RULES**
11 **OF CONSTRUCTION**

12 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

13 *There are authorized to be appropriated \$2,000,000 for*
14 *each of fiscal years 2020 through 2026 to carry out this*
15 *Act, of which \$1,000,000 is authorized to be appropriated*
16 *for each of such fiscal years for the completion of the joint*
17 *reports on domestic terrorism and international terrorism*
18 *under section 101, and \$1,000,000 is authorized to be ap-*
19 *propriated for each of such fiscal years to carry out section*
20 *201.*

21 **SEC. 302. RULES OF CONSTRUCTION.**

22 (a) *PII.—No report or database created pursuant to*
23 *this Act may contain the personally identifiable informa-*
24 *tion of any person except persons indicted or convicted of*

1 *a crime with a domestic terrorism or international ter-*
2 *rorism nexus.*

3 **(b) DISCOURSE.**—*No report or database created pursu-*
4 *ant to this Act may contain the name or other identifiable*
5 *information of any organization engaged in lawful political*
6 *or public discourse in the United States protected under*
7 *the First Amendment of the United States Constitution.*

8 **(c) PROTECTION.**—*Nothing in this Act abrogates, di-*
9 *minishes, or weakens the provisions of any Federal or State*
10 *law that prevents or protects against the unauthorized col-*
11 *lection or release of personal records or personally identifi-*
12 *able information.*

13 **(d) DOMESTIC TERRORISM RELATED INFORMATION.**—
14 *Nothing in this Act may be construed as authorizing the*
15 *submission of the joint report required under section 101*
16 *of this Act in a form that does not include information re-*
17 *quired with respect to domestic terrorism.*

Amend the title so as to read: “A bill to require a joint domestic and international terrorism report, authorize research within the Department of Homeland Security on current trends in domestic terrorism, and for other purposes.”.

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116TH CONGRESS
1ST Session

H. R. 3106

[Report No. 116-213, Part I]

A BILL

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