

116TH CONGRESS
1ST SESSION

H. R. 3106

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2019

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domestic and Inter-
3 national Terrorism Documentation and Analysis of
4 Threats in America Act” or the “Domestic and Inter-
5 national Terrorism DATA Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
9 **TEES.**—The term “appropriate congressional com-
10 mittees” means the Committee on Homeland Secu-
11 rity, the Committee on the Judiciary, and the Per-
12 manent Select Committee on Intelligence of the
13 House of Representatives and the Committee on
14 Homeland Security and Governmental Affairs, the
15 Committee on the Judiciary, and the Select Com-
16 mittee on Intelligence of the Senate.

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

19 (3) **DOMESTIC TERRORISM.**—The term “domes-
20 tic terrorism” has the meaning given such term in
21 section 2331 of title 18, United States Code.

22 (4) **HATE CRIME.**—The term “hate crime”
23 means criminal offenses committed in violation of
24 sections 241, 245, 247, and 249 of title 18, United
25 States Code, and section 3631 of title 42, United
26 State Code.

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

5 (6) ONLINE PLATFORM.—The term “online
6 platform” means any public-facing website, web ap-
7 plication, or digital application, including a mobile
8 application, and includes a social network, an ad
9 network, a search engine, or an email service.

10 (7) PERSONALLY IDENTIFIABLE INFORMA-
11 TION.—The term “personally identifiable informa-
12 tion” means any information about an individual
13 elicited, collected, stored, or maintained by an agen-
14 cy, including the following:

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

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

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

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

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

7 (a) ANNUAL REPORT REQUIRED.—Not later than
8 180 days after the date of the enactment of this Act and
9 annually thereafter for 5 years, the Secretary, the Attor-
10 ney General, and the Director shall submit to the Comp-
11 troller General of the United States and the appropriate
12 congressional committees a joint report on domestic ter-
13 rorism and international terrorism.

14 (b) CONTENTS.—

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

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

19 (i) The criteria for opening an inves-
20 tigation for domestic terrorism or inter-
21 national terrorism or another crime with a
22 nexus to domestic terrorism or inter-
23 national terrorism, including any standards
24 of proof required before opening such in-
25 vestigation.

1 (ii) Sharing of domestic terrorism or
2 international terrorism information across
3 law enforcement agencies.

4 (iii) Federal requirements and compli-
5 ance with privacy, civil rights, and civil lib-
6 erties policies and protections, including
7 protections against the public release of
8 the names or personally identifiable infor-
9 mation of individuals involved in incidents,
10 investigations, indictments, prosecutions,
11 or convictions for which data is reported
12 under this section.

13 (B) A description of the methodology uti-
14 lized to identify domestic terrorism and inter-
15 national terrorism investigative classifications
16 (including any subcategories) and to assign an
17 investigative classification (including any sub-
18 category) to a domestic terrorism or inter-
19 national terrorism incident.

20 (C) Threat prioritization determinations
21 made each year by the Federal Bureau of In-
22 vestigation, consistent with appropriate classi-
23 fication standards.

24 (D) The information required under para-
25 graph (2).

1 (2) INFORMATION ON DOMESTIC TERRORISM
2 AND INTERNATIONAL TERRORISM.—Except as pro-
3 vided in subparagraph (A), each report submitted
4 under subsection (a) shall include information on in-
5 cidents of domestic terrorism and international ter-
6 rorism, including, with respect to each investigative
7 classification (including any subcategory) of each
8 such incident, the number and type of actual and at-
9 tempted property crimes, the number and type of ac-
10 tual and attempted attacks on persons, the number
11 of people injured, and the number of people killed,
12 and—

13 (A) in the first such report, data on inci-
14 dents or attempted incidents of domestic ter-
15 rorism and international terrorism that have oc-
16 curred in the United States since April 19,
17 1995, disaggregated by fiscal year, including,
18 with respect to each such incident, the number
19 and type of property crimes, the number and
20 type of actual and attempted attacks on per-
21 sons, the number of people injured, and number
22 of people killed; and

23 (B) in each subsequent report for the pre-
24 ceding fiscal year—

1 (i) data on incidents or attempted in-
2 cidents of domestic terrorism and inter-
3 national terrorism that occurred in the
4 United States, including, with respect to
5 each such incident, the number and type of
6 actual and attempted property crimes, the
7 number and type of actual and attempted
8 attacks on persons, the number of people
9 injured, and the number of people killed;

10 (ii) the number of—

11 (I) assessments, preliminary in-
12 vestigations, and full investigations
13 with a domestic terrorism or inter-
14 national terrorism nexus initiated by
15 the Federal Bureau of Investigation,
16 disaggregated by investigative classi-
17 fication (including any subcategories),
18 and the number of such investigations
19 that were initiated as a result of a
20 hate crime investigation;

21 (II) indictments with a domestic
22 terrorism or international terrorism
23 nexus, disaggregated by investigative
24 classification (including any subcat-
25 egories) and component or sub-compo-

1 nent responsible for each such indict-
2 ment, and an explanation of each such
3 indictment;

4 (III) prosecutions with a domes-
5 tic terrorism or international ter-
6 rorism nexus, disaggregated by inves-
7 tigative classification (including any
8 subcategories) and component or sub-
9 component responsible for each such
10 prosecution, and an explanation of
11 each such prosecution; and

12 (IV) convictions with a domestic
13 terrorism or international terrorism
14 nexus, disaggregated by investigative
15 classification (including any subcat-
16 egories) and component or sub-compo-
17 nent responsible for each such convic-
18 tion, and an explanation of each such
19 conviction;

20 (iii) the number of full-time staff, in-
21 cluding position descriptions, employed by
22 the Department of Homeland Security and
23 the Department of Justice to handle mat-
24 ters described in subclauses (I) through
25 (IV) of clause (ii), disaggregated by domes-

1 tic terrorism and international terrorism;
2 and
3 (iv) the number of referrals to State
4 authorities with a domestic terrorism or
5 international terrorism nexus,
6 disaggregated by investigative classification
7 (including any subcategories) and compo-
8 nent or sub-component responsible for each
9 such referral, and an explanation of each
10 such referral.

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)
19 may be provided in a format that uses the marking associ-
20 ated with the Central Records System or any successor
21 system.

22 (d) INFORMATION QUALITY.—Each report submitted
23 under subsection (a) shall comply with the guidelines
24 issued by the Director of the Office of Management and
25 Budget pursuant to section 515 of title V of the Consoli-

1 dated Appropriations Act, 2001 (Public Law 106–554;
2 114 Stat. 2763A–154) (commonly referred to as the
3 “Data Quality Act”).

4 (e) CLASSIFICATION AND PUBLIC RELEASE.—Each
5 report submitted under subsection (a) shall be—

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

8 (2) in the case of the unclassified portion of
9 each such report, posted on the public websites of
10 the Department of Homeland Security, the Depart-
11 ment of Justice, and the Federal Bureau of Inves-
12 tigation.

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

16 (a) REVIEWS REQUIRED.—Not later than 180 days
17 after each submission of a joint report on domestic ter-
18 rorism and international terrorism under section 101(a)
19 and for 5 years thereafter, the Comptroller General of the
20 United States shall submit to the appropriate congres-
21 sional committees an audit of each such report.

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

1 (1) use standard methodology and reporting
2 formats in order to identify, demonstrate, and dis-
3 play any changes over time, including relating to the
4 number of investigations, indictments, prosecutions,
5 convictions, and full-time staff between report sub-
6 missions;

7 (2) evaluate adherence to such standard meth-
8 odology and the privacy, civil rights, and civil lib-
9 erties policies and protections set forth in section
10 101(b)(1)(A)(iii) and 101(b)(1)(B);

11 (3) evaluate all guidance, policy memos, and re-
12 lated documents utilized to decide to initiate inves-
13 tigations with a domestic terrorism nexus; and

14 (4) include any other subject matter the Comp-
15 troller General determines appropriate.

16 (c) ACCESS TO RELEVANT DATA.—The Attorney
17 General, the Director, and the Secretary shall ensure that
18 the Comptroller General of the United States has access
19 to all data necessary to conduct each audit under sub-
20 section (a), consistent with section 716(a) of title 31,
21 United States 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
10 and Technology of the Department of Homeland Security,
11 shall submit to the appropriate congressional committees
12 a report on international terrorism with a nexus, including
13 an ideological or other relationship, with a current trend
14 in domestic terrorism in the United States. Each such re-
15 port shall take into consideration acts that resulted in in-
16 dictment, prosecution, or conviction, and any patterns
17 among such terrorist acts.

18 (b) CONTENTS.—Each report submitted under sub-
19 section (a) shall include the following:

20 (1) Information on international terrorism with
21 ideological, financial, logistical, or other connections
22 to domestic terrorism.

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

1 (3) Strategies that foreign governments have
2 undertaken to counter such terrorism.

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

7 (c) FORM.—Each report submitted under subsection
8 (a) shall be submitted in unclassified format but may con-
9 tain a classified annex only if the Secretary determines
10 such is necessary. Each such unclassified report shall be
11 posted on the public website of the Department of Home-
12 land Security.

13 **TITLE III—AUTHORIZATION OF**
14 **APPROPRIATIONS AND RULES**
15 **OF CONSTRUCTION**

16 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated \$2,000,000
18 for each of fiscal years 2020 through 2026 to carry out
19 this Act, of which \$1,000,000 is authorized to be appro-
20 priated for each of such fiscal years for the completion
21 of the joint reports on domestic terrorism and inter-
22 national terrorism under section 101, and \$1,000,000 is
23 authorized to be appropriated for each of such fiscal years
24 to carry out section 201.

1 **SEC. 302. RULES OF CONSTRUCTION.**

2 (a) PII.—No report or database created pursuant to
3 this Act may contain the personally identifiable informa-
4 tion of any person except persons indicted or convicted of
5 a crime with a domestic terrorism or international ter-
6 rorism nexus.

7 (b) DISCOURSE.—No report or database created pur-
8 suant to this Act may contain the name or other identifi-
9 able information of any organization engaged in lawful po-
10 litical or public discourse in the United States protected
11 under the First Amendment of the United States Con-
12 stitution.

13 (c) PROTECTION.—Nothing in this Act abrogates, di-
14 minishes, or weakens the provisions of any Federal or
15 State law that prevents or protects against the unauthor-
16 ized collection or release of personal records or personally
17 identifiable information.

18 (d) DOMESTIC TERRORISM RELATED INFORMA-
19 TION.—Nothing in this Act may be construed as author-
20 izing the submission of the joint report required under

1 section 101 of this Act in a form that does not include
2 information required with respect to domestic terrorism.

Passed the House of Representatives September 26,
2019.

Attest:

CHERYL L. JOHNSON,

Clerk.