

116TH CONGRESS  
1ST SESSION

# H. R. 3106

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.

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## 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6       In this Act:

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

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

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

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

1           (5) HISPANIC-SERVING INSTITUTION.—The  
2           term “Hispanic-serving institution” has the meaning  
3           given such term in section 502(a) of the Higher  
4           Education Act of 1965 (20 U.S.C. 1101a(a)).

5           (6) HISTORICALLY BLACK COLLEGES AND UNI-  
6           VERSITIES.—The term “historically black colleges  
7           and universities” means a part B institution de-  
8           scribed in section 322(2) of the Higher Education  
9           Act of 1965 (20 U.S.C. 1061(2)).

10          (7) INSTITUTION OF HIGHER EDUCATION.—The  
11          term “institution of higher education” has the  
12          meaning given such term in section 101 of the High-  
13          er Education Act of 1965 (20 U.S.C. 1001).

14          (8) INTERNATIONAL TERRORISM.—The term  
15          “international terrorism” has the meaning given  
16          such term in section 2331 of title 18, United States  
17          Code.

18          (9) MINORITY-SERVING INSTITUTIONS.—The  
19          term “minority-serving institutions” means an insti-  
20          tution of higher education described in section  
21          371(a) of the Higher Education Act of 1965 (20  
22          U.S.C. 1067q(a)).

23          (10) ONLINE PLATFORM.—The term “online  
24          platform” means any public-facing website, web ap-  
25          plication, or digital application, including a mobile

1 application, and includes a social network, an ad  
2 network, a search engine, or an email service.

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

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

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

16 (12) SECRETARY.—The term “Secretary”  
17 means the Secretary of Homeland Security.

18 (13) TRIBALLY CONTROLLED COLLEGE OR UNI-  
19 VERSITY.—The term “tribally controlled college or  
20 university” has the meaning given such term in sec-  
21 tion 2 of the Tribally Controlled Colleges and Uni-  
22 versities Assistance Act of 1978 (25 U.S.C. 1801).

1       **TITLE I—FEDERAL EFFORTS**  
2       **AGAINST DOMESTIC TERRORISM**

3       **SEC. 101. JOINT DOMESTIC TERRORISM REPORT.**

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

11          (b) CONTENTS.—

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

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

16                           (i) The criteria for opening a domestic  
17      terrorism investigation, including any  
18      standards of proof required before opening  
19      such investigation.

20                           (ii) Sharing of domestic terrorism in-  
21      formation across law enforcement agencies.

22                           (iii) Federal requirements and compli-  
23      ance with privacy, civil rights, and civil lib-  
24      erties policies and protections, including  
25      protections against the public release of

1 the names or personally identifiable infor-  
2 mation of individuals involved in incidents,  
3 investigations, indictments, prosecutions,  
4 or convictions for which data is reported  
5 under this section.

6 (B) A description of the methodology uti-  
7 lized to identify domestic terrorism investigative  
8 classifications (including any subcategories) and  
9 to assign an investigative classification (includ-  
10 ing any subcategory) to a domestic terrorism  
11 incident.

12 (C) The information required under para-  
13 graph (2).

14 (2) INFORMATION ON DOMESTIC TERRORISM.—  
15 Except as provided in subparagraph (A), each report  
16 submitted under subsection (a) shall include infor-  
17 mation on domestic terrorism incidents, including,  
18 with respect to each investigative classification (in-  
19 cluding any subcategory) of each such incident, the  
20 number and type of actual and attempted property  
21 crimes, the number and type of actual and at-  
22 tempted attacks on persons, the number of people  
23 injured, and the number of people killed, and—

24 (A) in the first such report, data on inci-  
25 dents or attempted incidents of domestic ter-

1           rorism that have occurred in the United States  
2           since April 19, 1995, disaggregated by fiscal  
3           year, including, with respect to each such inci-  
4           dent, the number and type of property crimes,  
5           the number and type of actual and attempted  
6           attacks on persons, the number of people in-  
7           jured, and number of people killed; and

8           (B) in each subsequent report for the pre-  
9           ceding fiscal year—

10           (i) data on incidents or attempted in-  
11           cidents of domestic terrorism that occurred  
12           in the United States, including, with re-  
13           spect to each such incident, the number  
14           and type of actual and attempted property  
15           crimes, the number and type of actual and  
16           attempted attacks on persons, the number  
17           of people injured, and the number of peo-  
18           ple killed; and

19           (ii) the number of—

20           (I) assessments, preliminary in-  
21           vestigations, and full investigations  
22           with a domestic terrorism nexus initi-  
23           ated by the Federal Bureau of Inves-  
24           tigation, including the number of such  
25           investigations associated with each do-

1 domestic terrorism investigative classi-  
2 fication (including any subcategories),  
3 and the number of such investigations  
4 that were initiated as a result of a  
5 hate crime investigation;

6 (II) indictments with a domestic  
7 terrorism nexus, including the number  
8 of such indictments associated with  
9 each domestic terrorism investigative  
10 classification (including any subcat-  
11 egories), and an explanation of each  
12 such indictment;

13 (III) prosecutions with a domes-  
14 tic terrorism nexus, including the  
15 number of such prosecutions associ-  
16 ated with each domestic terrorism in-  
17 vestigative classification (including  
18 any subcategories), and an expla-  
19 nation of each such prosecution; and

20 (IV) convictions with a domestic  
21 terrorism nexus, including the number  
22 of such convictions associated with  
23 each domestic terrorism investigative  
24 classification (including any subcat-



1                   egories), and an explanation of each  
2                   such conviction; and

3                   (iii) the number of full-time staff, in-  
4                   cluding position descriptions, employed by  
5                   the Department of Homeland Security and  
6                   the Department of Justice to handle do-  
7                   mestic terrorism-related matters described  
8                   in subclauses (I) through (IV) of clause  
9                   (ii).

10       (c) FORMAT.—The information required pursuant to  
11       subclauses (I) through (IV) of subsection (b)(2)(B)(ii)  
12       may be provided in a format that uses the marking associ-  
13       ated with the Central Records System or any successor  
14       system.

15       (d) INFORMATION QUALITY.—Each report submitted  
16       under subsection (a) shall comply with the guidelines  
17       issued by the Director of the Office of Management and  
18       Budget pursuant to section 515 of title V of the Consoli-  
19       dated Appropriations Act, 2001 (Public Law 106–554;  
20       114 Stat. 2763A–154) (commonly referred to as the  
21       “Data Quality Act”).

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

24               (1) unclassified with a classified annex only if  
25               necessary; and

1           (2) in the case of the unclassified portion of  
2           each such report, posted on the public websites of  
3           the Department of Homeland Security, the Depart-  
4           ment of Justice, and the Federal Bureau of Inves-  
5           tigation.

6 **SEC. 102. ANNUAL COMPTROLLER GENERAL AUDIT OF**  
7 **JOINT REPORT ON DOMESTIC TERRORISM.**

8           (a) **REVIEWS REQUIRED.**—Not later than 180 days  
9           after each submission of a joint report on domestic ter-  
10          rorism under section 101(a) and for five years thereafter,  
11          the Comptroller General of the United States shall submit  
12          to the appropriate congressional committees an audit of  
13          each such report.

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

17               (1) use standard methodology and reporting  
18               formats in order to identify, demonstrate, and dis-  
19               play any changes over time, including relating to the  
20               number of investigations, indictments, prosecutions,  
21               convictions, and full-time staff between report sub-  
22               missions;

23               (2) evaluate adherence to such standard meth-  
24               odology and the privacy, civil rights, and civil lib-

1       erties policies and protections set forth in section  
2       101(b)(1)(B)(iii);

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

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

8       (c) ACCESS TO RELEVANT DATA.—The Attorney  
9       General, the Director, and the Secretary shall ensure that  
10      the Comptroller General of the United States has access  
11      to all data necessary to conduct each audit under sub-  
12      section (a).

13      **TITLE II—HOMELAND SECURITY**  
14           **EFFORTS AGAINST DOMESTIC**  
15           **TERRORISM**

16      **SEC. 201. NATIONAL CENTER FOR THE STUDY OF DOMES-**  
17           **TIC TERRORISM.**

18       (a) INCLUSION OF CRITERIA FOR DESIGNATION.—  
19      Subparagraph (B) of section 308(b)(2) of the Homeland  
20      Security Act of 2002 (6 U.S.C. 188(b)(2)) is amended—

21           (1) in the matter preceding clause (i), by strik-  
22       ing “, but are not limited to, demonstrated expertise  
23       in—” and inserting “demonstrated expertise in any  
24       of the following:”; and

1           (2) by adding at the end the following new  
2       clause:

3                       “(xv) Domestic terrorism.”.

4       (b) ESTABLISHMENT.—The Secretary, acting  
5 through the Under Secretary for Science and Technology  
6 of the Department of Homeland Security, shall establish  
7 in the Department a National Center for the Study of Do-  
8 mestic Terrorism to conduct research and education ac-  
9 tivities relating to the following:

10           (1) Establishment of a public database of ac-  
11 tual and attempted acts of domestic terrorism that  
12 does not include non-public personally identifiable  
13 information.

14           (2) Advanced research regarding current and  
15 emerging trends in domestic terrorism.

16       (c) LEAD INSTITUTION; CONSORTIUM.—The Sec-  
17 retary, acting through the Under Secretary for Science  
18 and Technology of the Department of Homeland Security,  
19 shall select an institution of higher education to serve as  
20 the lead institution participating in the National Center  
21 for the Study of Domestic Terrorism established pursuant  
22 to subsection (a) and, such lead institution shall, at the  
23 direction of the Under Secretary, execute agreements with  
24 other institutions of higher education that the Under Sec-  
25 retary determines meet the criteria for selection to develop

1 a consortium to assist in accomplishing the goals of the  
2 National Center for the Study of Domestic Terrorism es-  
3 tablished under subsection (b).

4 (d) REPRESENTATION.—In selecting an institution of  
5 higher education for participation in the consortium re-  
6 ferred to in subsection (c), the Secretary shall ensure par-  
7 ticipation from a representative number of historically  
8 black colleges and universities, Hispanic-serving institu-  
9 tions, and tribally controlled colleges and universities.

10 (e) PRIVACY.—The non-public personally identifiable  
11 information of any individual involved in any activity with  
12 respect to which data is included in the database estab-  
13 lished under subsection (a) may not be released to the  
14 public.

15 (f) ANNUAL REPORTS.—The lead institution under  
16 subsection (c) shall submit to the Under Secretary for  
17 Science and Technology of the Department of Homeland  
18 Security an annual report setting forth the activities of  
19 the National Center for the Study of Domestic Terrorism  
20 for the prior year, including symposia, trainings, and pub-  
21 lications, as well as the contributions of consortium part-  
22 ners with respect to each activity. The Under Secretary  
23 for Science and Technology shall submit to the Committee  
24 on Homeland Security of the House of Representatives  
25 and the Committee on Homeland Security and Govern-

1 mental Affairs of the Senate each such annual report, to-  
2 gether with information on expenditures of funding for the  
3 National Center for the Study of Domestic Terrorism.

4 **SEC. 202. RESEARCH ON DOMESTIC TERRORISM.**

5 (a) IN GENERAL.—The Secretary, acting through the  
6 Under Secretary for Science and Technology of the De-  
7 partment of Homeland Security, shall research current  
8 and emerging trends in domestic terrorism.

9 (b) REPORT.—Not later than 180 days after the date  
10 of enactment of this Act and annually thereafter, the  
11 Under Secretary for Science and Technology of the De-  
12 partment of Homeland Security shall submit to the Com-  
13 mittee on Homeland Security of the House of Representa-  
14 tives and the Committee on Homeland Security and Gov-  
15 ernmental Affairs of the Senate a report on international  
16 terrorism with a nexus, including an ideological or other  
17 relationship, with a current trend in domestic terrorism  
18 in the United States. Each such report shall take into con-  
19 sideration acts that resulted in indictment, prosecution, or  
20 conviction, and any patterns among such terrorist acts.

21 (c) CONTENTS.—Each report submitted under sub-  
22 section (b) shall include the following:

23 (1) Information on international terrorism with  
24 ideological, financial, logistical, or other connections  
25 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  
4           undertaken 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           vacy, civil rights, civil liberties, and safety.

## 9       **TITLE III—AUTHORIZATION OF** 10       **APPROPRIATIONS**

### 11   **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

12       There are authorized to be appropriated \$20,000,000  
13   for each of fiscal years 2020 through 2026 to carry out  
14   this Act, of which \$1,000,000 is authorized to be appro-  
15   priated for each of such fiscal years for the completion  
16   of the joint reports on domestic terrorism under section  
17   101, \$18,000,000 is authorized to be appropriated for  
18   each of such fiscal years for the National Center for the  
19   Study of Domestic Terrorism established in the Depart-  
20   ment of Homeland Security pursuant to section 201, and  
21   \$1,000,000 is authorized to be appropriated for each of  
22   such fiscal years to carry out section 202.

○