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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.

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,*

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Terrorism Documentation and Analysis of Threats in America Act'' or the ''Domestic Terrorism DATA Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Bureau of Investigation.

(3) DOMESTIC TERRORISM.—The term ''domestic terrorism'' has the meaning given the term in section 2331 of title 18, United States Code.

(4) HATE CRIME.—The term ''hate crime'' means criminal offenses committed in violation of sections 241, 245, 247, and 249 of title 18, United States Code, and section 3631 of title 42, United States Code.

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

(6) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term ''historically black colleges and universities'' means a part B institution described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(7) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(8) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the meaning given such term in section 2331 of title 18, United States Code.

(9) MINORITY-SERVING INSTITUTIONS.—The term ''minority-serving institutions'' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) ONLINE PLATFORM.—The term ''online platform'' means any public-facing website, web application, or digital application, including a mobile

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

(11) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means any information about an individual elicited, collected, stored, or maintained by an agency, including the following:

(A) Any information that can be used to distinguish or trace the identity of an individual, such as a name, a social security number, a date and place of birth, a mother's maiden name, or biometric records.

(B) Any other information that is linked or linkable to an individual, such as medical, educational, financial, or employment information.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(13) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term ''tribally controlled college or university'' has the meaning given such term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

TITLE I—FEDERAL EFFORTS AGAINST DOMESTIC TERRORISM

SEC. 101. JOINT DOMESTIC TERRORISM REPORT.

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary, the Attorney General, and the Director shall submit to the Comptroller General of the United States and the appropriate congressional committees a joint report on domestic terrorism.

(b) CONTENTS.—

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

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

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

(ii) Sharing of domestic terrorism information across law enforcement agencies.

(iii) Federal requirements and compliance with privacy, civil rights, and civil liberties policies and protections, including protections against the public release of

the names or personally identifiable information of individuals involved in incidents, investigations, indictments, prosecutions, or convictions for which data is reported under this section.

(B) A description of the methodology utilized to identify domestic terrorism investigative classifications (including any subcategories) and to assign an investigative classification (including any subcategory) to a domestic terrorism incident.

(C) The information required under paragraph (2).

(2) INFORMATION ON DOMESTIC TERRORISM.—Except as provided in subparagraph (A), each report submitted under subsection (a) shall include information on domestic terrorism incidents, including, with respect to each investigative classification (including any subcategory) of each such incident, the number and type of actual and attempted property crimes, the number and type of actual and attempted attacks on persons, the number of people injured, and the number of people killed, and—

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

rorism that have occurred in the United States since April 19, 1995, disaggregated by fiscal year, including, with respect to each such incident, the number and type of property crimes, the number and type of actual and attempted attacks on persons, the number of people injured, and number of people killed; and

(B) in each subsequent report for the preceding fiscal year—

(i) data on incidents or attempted incidents of domestic terrorism that occurred in the United States, including, with respect to each such incident, the number and type of actual and attempted property crimes, the number and type of actual and attempted attacks on persons, the number of people injured, and the number of people killed; and

(ii) the number of—

(I) assessments, preliminary investigations, and full investigations with a domestic terrorism nexus initiated by the Federal Bureau of Investigation, including the number of such investigations associated with each do-

mestic terrorism investigative classification (including any subcategories), and the number of such investigations that were initiated as a result of a hate crime investigation;

(II) indictments with a domestic terrorism nexus, including the number of such indictments associated with each domestic terrorism investigative classification (including any subcategories), and an explanation of each such indictment;

(III) prosecutions with a domestic terrorism nexus, including the number of such prosecutions associated with each domestic terrorism investigative classification (including any subcategories), and an explanation of each such prosecution; and

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

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

(iii) the number of full-time staff, including position descriptions, employed by the Department of Homeland Security and the Department of Justice to handle domestic terrorism-related matters described in subclauses (I) through (IV) of clause (ii).

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

(d) INFORMATION QUALITY.—Each report submitted under subsection (a) shall comply with the guidelines issued by the Director of the Office of Management and Budget pursuant to section 515 of title V of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–154) (commonly referred to as the ''Data Quality Act'').

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

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

(2) in the case of the unclassified portion of each such report, posted on the public websites of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

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

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

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

(1) use standard methodology and reporting formats in order to identify, demonstrate, and display any changes over time, including relating to the number of investigations, indictments, prosecutions, convictions, and full-time staff between report submissions;

(2) evaluate adherence to such standard methodology and the privacy, civil rights, and civil lib-

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

(3) evaluate all guidance, policy memos, and related documents utilized to decide to initiate investigations with a domestic terrorism nexus; and

(4) include any other subject matter the Comptroller General determines appropriate.

(c) ACCESS TO RELEVANT DATA.—The Attorney General, the Director, and the Secretary shall ensure that the Comptroller General of the United States has access to all data necessary to conduct each audit under subsection (a).

TITLE II—HOMELAND SECURITY EFFORTS AGAINST DOMESTIC TERRORISM

SEC. 201. NATIONAL CENTER FOR THE STUDY OF DOMESTIC TERRORISM.

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

(1) in the matter preceding clause (i), by striking ", but are not limited to, demonstrated expertise in—" and inserting "demonstrated expertise in any of the following:"; and

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

"(xv) Domestic terrorism.".

(b) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology of the Department of Homeland Security, shall establish in the Department a National Center for the Study of Domestic Terrorism to conduct research and education activities relating to the following:

(1) Establishment of a public database of actual and attempted acts of domestic terrorism that does not include non-public personally identifiable information.

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

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

a consortium to assist in accomplishing the goals of the National Center for the Study of Domestic Terrorism established under subsection (b).

(d) REPRESENTATION.—In selecting an institution of higher education for participation in the consortium referred to in subsection (c), the Secretary shall ensure participation from a representative number of historically black colleges and universities, Hispanic-serving institutions, and tribally controlled colleges and universities.

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

(f) ANNUAL REPORTS.—The lead institution under subsection (c) shall submit to the Under Secretary for Science and Technology of the Department of Homeland Security an annual report setting forth the activities of the National Center for the Study of Domestic Terrorism for the prior year, including symposia, trainings, and publications, as well as the contributions of consortium partners with respect to each activity. The Under Secretary for Science and Technology shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Govern-

mental Affairs of the Senate each such annual report, together with information on expenditures of funding for the National Center for the Study of Domestic Terrorism.

SEC. 202. RESEARCH ON DOMESTIC TERRORISM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology of the Department of Homeland Security, shall research current and emerging trends in domestic terrorism.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Under Secretary for Science and Technology of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on international terrorism with a nexus, including an ideological or other relationship, with a current trend in domestic terrorism in the United States. Each such report shall take into consideration acts that resulted in indictment, prosecution, or conviction, and any patterns among such terrorist acts.

(c) CONTENTS.—Each report submitted under subsection (b) shall include the following:

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

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

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

(4) The potential benefits and risks of implementing such strategies in the United States, including any potential harm to local communities, privacy, civil rights, civil liberties, and safety.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of fiscal years 2020 through 2026 to carry out this Act, of which $1,000,000 is authorized to be appropriated for each of such fiscal years for the completion of the joint reports on domestic terrorism under section 101, $18,000,000 is authorized to be appropriated for each of such fiscal years for the National Center for the Study of Domestic Terrorism established in the Department of Homeland Security pursuant to section 201, and $1,000,000 is authorized to be appropriated for each of such fiscal years to carry out section 202.

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