

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

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 terrorism 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 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.

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