

116TH CONGRESS
1ST SESSION

S. 3118

To establish a unified database and public reporting for purposes of tracking and evaluating domestic terrorism incidents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2019

Mr. JOHNSON (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a unified database and public reporting for purposes of tracking and evaluating domestic terrorism incidents, 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 “Terrorism Reporting
5 And Classifying Act of 2019” or the “TRAC Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AGENCY.—The term “agency” has the
2 meaning given the term in section 551 of title 5,
3 United States Code.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Homeland Security
8 and Governmental Affairs, the Committee on
9 the Judiciary, and the Select Committee on In-
10 telligence of the Senate; and

11 (B) the Committee on Homeland Security,
12 the Committee on the Judiciary, and the Per-
13 manent Select Committee on Intelligence of the
14 House of Representatives.

15 (3) DATA.—The term “data”—

16 (A) means all relevant information col-
17 lected by an agency on a terrorism-related inci-
18 dent that can be used for recordkeeping and
19 studying long-term trends of certain phenomena
20 as it relates to terrorism; and

21 (B) does not include intelligence gathered
22 by an agency for operational purposes.

23 (4) DATABASE.—The term “database” means a
24 central repository that holds data for the purpose of

1 understanding and providing trends and insight on
2 terrorism.

3 (5) DEPARTMENT.—The term “Department”
4 means the Department of Homeland Security.

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

8 (7) HATE CRIME.—The term “hate crime”
9 means a criminal offense under—

10 (A) section 241, 245, 247, or 249 of title
11 18, United States Code; or

12 (B) section 901 of the Civil Rights Act of
13 1968 (42 U.S.C. 3631).

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

16 (9) WORKING GROUP.—The term “Working
17 Group” means the Interagency Domestic Terrorism
18 Data Working Group established under section 3(a).

19 **SEC. 3. INTERAGENCY DOMESTIC TERRORISM DATA WORK-**
20 **ING GROUP.**

21 (a) ESTABLISHMENT.—There is established within
22 the Department an Interagency Domestic Terrorism Data
23 Working Group to coordinate the collection and reporting
24 of Federal data related to domestic terrorism incidents.

1 (b) MEMBERSHIP.—The Working Group shall be
2 comprised of representatives from—

- 3 (1) the Department;
4 (2) the Department of Justice;
5 (3) the Federal Bureau of Investigation; and
6 (4) the National Counterterrorism Center.

7 (c) CHAIRMAN.—The Working Group shall be chaired
8 by a representative of the Department, as appointed by
9 the Secretary.

10 (d) DUTIES.—The Working Group shall—

11 (1) not later than 90 days after the date of en-
12 actment of this Act, establish a standard interpreta-
13 tion of the definition for the term “domestic ter-
14 rorism” in section 2331 of title 18, United States
15 Code, including a shared lexicon of categories and
16 subcategories for classifying acts of domestic ter-
17 rorism, which shall be used by each entity described
18 in paragraphs (1) through (4) of subsection (b) to
19 contribute information or data under section 4;

20 (2) establish a unified Federal database, housed
21 and maintained by the Department, to store infor-
22 mation and data relating to domestic terrorism inci-
23 dents required to be submitted under section 4; and

24 (3) not later than 7 days after carrying out the
25 requirements under paragraph (1), provide to the

1 appropriate congressional committees the interpreta-
2 tion required under paragraph (1), including an ex-
3 planation of how the interpretation adheres to the
4 definition of the term in section 2331 of title 18,
5 United States Code.

6 **SEC. 4. REPORTING OF DOMESTIC TERRORISM INCIDENTS.**

7 (a) **REQUIRED REPORTING.**—Each entity described
8 in paragraphs (1) through (4) of section 3(b) shall report
9 all information or data obtained by the entity relating to
10 a domestic terrorism incident to the unified Federal data-
11 base required to be established under section 3(d)(2).

12 (b) **REPORTING PROCESS.**—

13 (1) **IN GENERAL.**—Not later than 90 days after
14 the date of enactment of this Act, the Secretary, in
15 consultation with each member of the Working
16 Group, shall establish a process to be used by each
17 entity described in subsection (a) to report the infor-
18 mation required under subsection (a) to the unified
19 Federal database required to be established under
20 section 3(d)(2).

21 (2) **REQUIREMENT.**—The process established
22 under paragraph (1) shall require that each entity
23 described in subsection (a) identify in the report to
24 the unified Federal database the category and sub-
25 category in which the entity determined to place the

1 domestic terrorism incident, the reasons for that de-
2 termination, and an explanation of any disagreement
3 in categorizing the incident.

4 **SEC. 5. ANNUAL REPORTING.**

5 (a) INITIAL REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Working
8 Group shall submit to the appropriate congressional
9 committees a report detailing each completed or at-
10 tempted domestic terrorism incident during the 5-
11 year period preceding the report using the categories
12 and subcategories in existence at the time of the in-
13 cident or its initial classification.

14 (2) CONTENTS.—The report required under
15 paragraph (1) shall—

16 (A) describe the Working Group-developed
17 uniform and standardized—

18 (i) interpretation of the term “domes-
19 tic terrorism”;

20 (ii) methodologies for tracking inci-
21 dents of domestic terrorism;

22 (iii) descriptions of categories and
23 subcategories of domestic terrorism used;
24 and

1 (iv) an explanation of each category
2 and subcategory included in clause (iii);

3 (B) contain information, disaggregated by
4 the categories and subcategories described in
5 subparagraph (A)(iii), on—

6 (i) the number of domestic terrorist
7 attacks;

8 (ii) the number of casualties caused
9 by domestic terrorism attacks;

10 (iii) the number of Federal investiga-
11 tions with a nexus to domestic terrorism,
12 the number of such investigations that
13 were initiated as the result of a hate crime
14 investigation, and the number of such in-
15 vestigations under each classification and
16 subclassification associated with the Cen-
17 tral Records System or any successor sys-
18 tem of the Federal Bureau of Investiga-
19 tion;

20 (iv) the number of assessments with a
21 nexus to domestic terrorism;

22 (v) the number of domestic terrorism
23 cases referred from State and local law en-
24 forcement agencies;

1 (vi) the number of Federal criminal
2 charges filed with a domestic terrorism
3 nexus;

4 (vii) the number of Federal criminal
5 convictions with a domestic terrorism
6 nexus;

7 (viii) the reporting sources and quan-
8 titative methods used to gather the data
9 for reporting on domestic terrorism, in-
10 cluding Federal, State, and Tribal data-
11 base comparisons;

12 (ix) information pertaining to funding
13 and resourcing, including—

14 (I) staffing and organizational
15 charts disaggregated by title and of-
16 fice; and

17 (II) funding and budgets dedi-
18 cated to investigating, intelligence
19 gathering and reporting, arresting,
20 and prosecution of domestic terrorism
21 cases, as well as grant money allo-
22 cated, disaggregated by office;

23 (x) the sharing of information relating
24 to domestic and international terrorism, if
25 any, by and between—

1 (I) the Federal Government;

2 (II) State, local, Tribal, terri-
3 torial, and foreign governments;

4 (III) the appropriate congres-
5 sional committees;

6 (IV) nongovernmental organiza-
7 tions; and

8 (V) the private sector;

9 (xi) any original research sponsored
10 by the relevant agencies that relates to do-
11 mestic terrorism;

12 (xii) evaluations and assessments of
13 terrorism prevention programs sponsored
14 by the Federal Government;

15 (xiii) compliance by the Federal Gov-
16 ernment with privacy, civil rights, and civil
17 liberties policies and protections applicable
18 to the production of the report under para-
19 graph (1), including protections against
20 the public release of names or other per-
21 sonally identifiable information of individ-
22 uals involved in incidents, investigations,
23 indictments, prosecutions, or convictions
24 for which data is reported under this sec-
25 tion, as well as personally identifiable in-

1 formation connected to terrorism preven-
2 tion programs; and

3 (xiv) information regarding any train-
4 ing or resources provided by the Depart-
5 ment or the Federal Bureau of Investiga-
6 tion to assist Federal, State, local, and
7 Tribal law enforcement agencies in under-
8 standing, detecting, deterring and inves-
9 tigating acts of domestic terrorism, includ-
10 ing the date, type, subject, and recipient
11 agencies of the training or resources; and
12 (C) contain an assessment, including—

13 (i) an analysis of the current domestic
14 terrorism landscape, including the identi-
15 fication of trends in attacks or incidents
16 broken down by the categories and subcat-
17 egories described in subparagraph (A)(iii),
18 and other relevant information; and

19 (ii) an analysis of the mechanisms
20 used to promote or incite domestic ter-
21 rorism.

22 (3) CLASSIFICATION AND PUBLIC RELEASE.—

23 The report required under paragraph (1) shall be—

24 (A) unclassified, but may contain a classi-
25 fied annex;

1 (B) with respect to the unclassified portion
2 of the report, made available on the public
3 internet websites of the Department, the Fed-
4 eral Bureau of Investigation, and the National
5 Counterterrorism Center—

6 (i) not later than 30 days after sub-
7 mission of the report to the appropriate
8 congressional committees; and

9 (ii) in an electronic format that is
10 fully indexed and searchable;

11 (C) with respect to a classified annex or in-
12 formation for official use only, distributed to
13 appropriately cleared or approved State and
14 local law enforcement; and

15 (D) with respect to a classified annex, sub-
16 mitted to the appropriate congressional commit-
17 tees in an electronic format that is fully indexed
18 and searchable.

19 (4) INFORMATION QUALITY.—The report re-
20 quired under paragraph (1), to the extent applicable,
21 shall comply with the guidelines issued by the Direc-
22 tor of the Office of Management and Budget pursu-
23 ant to section 515 of title V of the Consolidated Ap-
24 propriations Act, 2001 (Public Law 106–554; 114
25 Stat. 2763A–153).

1 (b) ANNUAL REPORTS.—Not later than 1 year after
 2 the date on which the report required under subsection
 3 (a) is submitted, and each year thereafter for 10 years,
 4 and as may be reauthorized, the Working Group shall sub-
 5 mit to the appropriate congressional committees an up-
 6 dated report containing the information described in sub-
 7 section (a)(2) for the 1-year period preceding the updated
 8 report.

9 (c) PROVISION OF OTHER DOCUMENTS AND MATE-
 10 RIALS.—Together with each report required under sub-
 11 sections (a) and (b), each entity described in paragraphs
 12 (1) through (4) of section 3(b) shall submit to the congres-
 13 sional committees described in subsection (a)(1) the fol-
 14 lowing documents and materials, in complete and
 15 unredacted form:

- 16 (1) With respect to the Department—
- 17 (A)(i) a list of products produced by the
 18 Office of Intelligence and Analysis relating to
 19 domestic terrorism; and
- 20 (ii) a means of accessing each such prod-
 21 uct; and
- 22 (B) the Department of Homeland Security
 23 and Federal Bureau of Investigation Joint In-
 24 telligence Bulletins.

1 (2) With respect to the Federal Bureau of In-
2 vestigation and the Department of Justice, the most
3 recent approved versions of—

4 (A) the Attorney General’s guidelines for
5 Domestic Federal Bureau of Investigation Op-
6 erations, or any successor thereto;

7 (B) the Federal Bureau of Investigation
8 Domestic Investigations and Operations Guide,
9 or any successor thereto;

10 (C) the Federal Bureau of Investigation
11 Counterterrorism Policy Guide, or any suc-
12 cessor thereto; and

13 (D) materials sufficient to show the
14 rankings of domestic terrorism in relation to
15 other threats within the Threat Review and
16 Prioritization process, with respect to the head-
17 quarters and each field office of the Federal
18 Bureau of Investigation.

19 (3) With respect to the National Counterter-
20 rorism Center—

21 (A) a list of all intelligence products re-
22 lated to domestic terrorism;

23 (B) a list of all guidelines and procedures
24 for the intelligence community related to the
25 domestic terrorism mission space; and

- 1 (C) a means of accessing each such prod-
- 2 uct.

