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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

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

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

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

10 (8) INTERNATIONAL TERRORISM.—The term
11 “international terrorism” has the meaning given
12 such term in section 2331 of title 18, United States
13 Code.

14 (9) MINORITY-SERVING INSTITUTIONS.—The
15 term “minority-serving institutions” means an insti-
16 tution of higher education described in section
17 371(a) of the Higher Education Act of 1965 (20
18 U.S.C. 1067q(a)).

19 (10) ONLINE PLATFORM.—The term “online
20 platform” means any public-facing website, web ap-
21 plication, or digital application, including a mobile
22 application, and includes a social network, an ad
23 network, a search engine, or an email service.

24 (11) PERSONALLY IDENTIFIABLE INFORMA-
25 TION.—The term “personally identifiable informa-

1 tion” means any information about an individual
2 elicited, collected, stored, or maintained by an agen-
3 cy, including the following:

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

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

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

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

19 **TITLE I—FEDERAL EFFORTS** 20 **AGAINST DOMESTIC TERRORISM**

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

22 (a) ANNUAL REPORT REQUIRED.—Not later than
23 180 days after the date of the enactment of this Act and
24 annually thereafter for five years, the Secretary, the Attor-
25 ney General, and the Director shall submit to the Comp-

1 troller General of the United States and the appropriate
2 congressional committees a joint report on domestic ter-
3 rorism.

4 (b) CONTENTS.—

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

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

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

13 (ii) Sharing of domestic terrorism in-
14 formation across law enforcement agencies.

15 (iii) Federal requirements and compli-
16 ance with privacy, civil rights, and civil lib-
17 erties policies and protections, including
18 protections against the public release of
19 the names or personally identifiable infor-
20 mation of individuals involved in incidents,
21 investigations, indictments, prosecutions,
22 or convictions for which data is reported
23 under this section.

24 (B) A description of the methodology uti-
25 lized to identify domestic terrorism investigative

1 classifications (including any subcategories) and
2 to assign an investigative classification (includ-
3 ing any subcategory) to a domestic terrorism
4 incident.

5 (C) The information required under para-
6 graph (2).

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

17 (A) in the first such report, data on inci-
18 dents or attempted incidents of domestic ter-
19 rorism that have occurred in the United States
20 since April 19, 1995, disaggregated by fiscal
21 year, including, with respect to each such inci-
22 dent, the number and type of property crimes,
23 the number and type of actual and attempted
24 attacks on persons, the number of people in-
25 jured, and number of people killed; and

1 (B) in each subsequent report for the pre-
2 ceding fiscal year—

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

12 (ii) the number of—

13 (I) assessments, preliminary in-
14 vestigations, and full investigations
15 with a domestic terrorism nexus initi-
16 ated by the Federal Bureau of Inves-
17 tigation, including the number of such
18 investigations associated with each do-
19 mestic terrorism investigative classi-
20 fication (including any subcategories),
21 and the number of such investigations
22 that were initiated as a result of a
23 hate crime investigation;

24 (II) indictments with a domestic
25 terrorism nexus, including the number

1 of such indictments associated with
2 each domestic terrorism investigative
3 classification (including any subcat-
4 egories), and an explanation of each
5 such indictment;

6 (III) prosecutions with a domes-
7 tic terrorism nexus, including the
8 number of such prosecutions associ-
9 ated with each domestic terrorism in-
10 vestigative classification (including
11 any subcategories), and an expla-
12 nation of each such prosecution; and

13 (IV) convictions with a domestic
14 terrorism nexus, including the number
15 of such convictions associated with
16 each domestic terrorism investigative
17 classification (including any subcat-
18 egories), and an explanation of each
19 such conviction; and

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 do-
24 mestic terrorism-related matters described

1 in subclauses (I) through (IV) of clause
2 (ii).

3 (c) **FORMAT.**—The information required pursuant to
4 subclauses (I) through (IV) of subsection (b)(2)(B)(ii)
5 may be provided in a format that uses the marking associ-
6 ated with the Central Records System or any successor
7 system.

8 (d) **INFORMATION QUALITY.**—Each report submitted
9 under subsection (a) shall comply with the guidelines
10 issued by the Director of the Office of Management and
11 Budget pursuant to section 515 of title V of the Consoli-
12 dated Appropriations Act, 2001 (Public Law 106–554;
13 114 Stat. 2763A–154) (commonly referred to as the
14 “Data Quality Act”).

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

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

19 (2) in the case of the unclassified portion of
20 each such report, posted on the public websites of
21 the Department of Homeland Security, the Depart-
22 ment of Justice, and the Federal Bureau of Inves-
23 tigation.

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

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

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

12 (1) use standard methodology and reporting
13 formats in order to identify, demonstrate, and dis-
14 play any changes over time, including relating to the
15 number of investigations, indictments, prosecutions,
16 convictions, and full-time staff between report sub-
17 missions;

18 (2) evaluate adherence to such standard meth-
19 odology and the privacy, civil rights, and civil lib-
20 erties policies and protections set forth in section
21 101(b)(1)(B)(iii);

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

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

1 (c) ACCESS TO RELEVANT DATA.—The Attorney
2 General, the Director, and the Secretary shall ensure that
3 the Comptroller General of the United States has access
4 to all data necessary to conduct each audit under sub-
5 section (a).

6 **TITLE II—HOMELAND SECURITY**
7 **EFFORTS AGAINST DOMESTIC**
8 **TERRORISM**

9 **SEC. 201. NATIONAL CENTER FOR THE STUDY OF DOMES-**
10 **TIC TERRORISM.**

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

14 (1) in the matter preceding clause (i), by strik-
15 ing “, but are not limited to, demonstrated expertise
16 in—” and inserting “demonstrated expertise in any
17 of the following:”; and

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

20 “(xv) Domestic terrorism.”.

21 (b) ESTABLISHMENT.—The Secretary, acting
22 through the Under Secretary for Science and Technology
23 of the Department of Homeland Security, shall establish
24 in the Department a National Center for the Study of Do-

1 mestic Terrorism to conduct research and education ac-
2 tivities relating to the following:

3 (1) Establishment of a public database of ac-
4 tual and attempted acts of domestic terrorism that
5 does not include non-public personally identifiable
6 information.

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

9 (c) LEAD INSTITUTION; CONSORTIUM.—The Sec-
10 retary, acting through the Under Secretary for Science
11 and Technology of the Department of Homeland Security,
12 shall select an institution of higher education to serve as
13 the lead institution participating in the National Center
14 for the Study of Domestic Terrorism established pursuant
15 to subsection (a) and, such lead institution shall, at the
16 direction of the Under Secretary, execute agreements with
17 other institutions of higher education that the Under Sec-
18 retary determines meet the criteria for selection to develop
19 a consortium to assist in accomplishing the goals of the
20 National Center for the Study of Domestic Terrorism es-
21 tablished under subsection (b).

22 (d) REPRESENTATION.—In selecting an institution of
23 higher education for participation in the consortium re-
24 ferred to in subsection (c), the Secretary shall ensure par-
25 ticipation from a representative number of historically

1 black colleges and universities, Hispanic-serving institu-
2 tions, and tribally controlled colleges and universities.

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

8 (f) ANNUAL REPORTS.—The lead institution under
9 subsection (c) shall submit to the Under Secretary for
10 Science and Technology of the Department of Homeland
11 Security an annual report setting forth the activities of
12 the National Center for the Study of Domestic Terrorism
13 for the prior year, including symposia, trainings, and pub-
14 lications, as well as the contributions of consortium part-
15 ners with respect to each activity. The Under Secretary
16 for Science and Technology shall submit to the Committee
17 on Homeland Security of the House of Representatives
18 and the Committee on Homeland Security and Govern-
19 mental Affairs of the Senate each such annual report, to-
20 gether with information on expenditures of funding for the
21 National Center for the Study of Domestic Terrorism.

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

23 (a) IN GENERAL.—The Secretary, acting through the
24 Under Secretary for Science and Technology of the De-

1 partment of Homeland Security, shall research current
2 and emerging trends in domestic terrorism.

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

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

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

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

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

24 (4) The potential benefits and risks of imple-
25 menting such strategies in the United States, includ-

1 ing any potential harm to local communities, pri-
2 vacy, civil rights, civil liberties, and safety.

3 **TITLE III—AUTHORIZATION OF**
4 **APPROPRIATIONS**

5 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated \$20,000,000
7 for each of fiscal years 2020 through 2026 to carry out
8 this Act, of which \$1,000,000 is authorized to be appro-
9 priated for each of such fiscal years for the completion
10 of the joint reports on domestic terrorism under section
11 101, \$18,000,000 is authorized to be appropriated for
12 each of such fiscal years for the National Center for the
13 Study of Domestic Terrorism established in the Depart-
14 ment of Homeland Security pursuant to section 201, and
15 \$1,000,000 is authorized to be appropriated for each of
16 such fiscal years to carry out section 202.