

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3106  
OFFERED BY MR. KING OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**6 SEC. 2. DEFINITIONS.**

7       In this Act:

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

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

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

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

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

13          (6) ONLINE PLATFORM.—The term “online  
14          platform” means any public-facing website, web ap-  
15          plication, or digital application, including a mobile  
16          application, and includes a social network, an ad  
17          network, a search engine, or an email service.

18          (7) PERSONALLY IDENTIFIABLE INFORMA-  
19          TION.—The term “personally identifiable informa-  
20          tion” means any information about an individual  
21          elicited, collected, stored, or maintained by an agen-  
22          cy, including the following:

23                (A) Any information that can be used to  
24                distinguish or trace the identity of an indi-  
25                vidual, such as a name, a social security num-

1           ber, a date and place of birth, a mother's maid-  
2           en name, or biometric records.

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

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

8   **TITLE I—FEDERAL EFFORTS**  
9   **AGAINST DOMESTIC TER-**  
10 **RORISM AND INTER-**  
11 **NATIONAL TERRORISM**

12 **SEC. 101. JOINT DOMESTIC TERRORISM AND INTER-**  
13 **NATIONAL TERRORISM REPORT.**

14       (a) ANNUAL REPORT REQUIRED.—Not later than  
15 180 days after the date of the enactment of this Act and  
16 annually thereafter for five years, the Secretary, the Attor-  
17 ney General, and the Director shall submit to the Comp-  
18 troller General of the United States and the appropriate  
19 congressional committees a joint report on domestic ter-  
20 rorism and international terrorism.

21       (b) CONTENTS.—

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

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

1 (i) The criteria for opening a domestic **terrorism**  
2 or international terrorism investigation, in-  
3 cluding any standards of proof required be-  
4 fore opening such investigation.

5 (ii) Sharing of domestic **terrorism** or inter-  
6 national terrorism information across law  
7 enforcement agencies.

8 (iii) Federal requirements and compli-  
9 ance with privacy, civil rights, and civil lib-  
10 erties policies and protections, including  
11 protections against the public release of  
12 the names or personally identifiable infor-  
13 mation of individuals involved in incidents,  
14 investigations, indictments, prosecutions,  
15 or convictions for which data is reported  
16 under this section.

17 (B) A description of the methodology uti- **terrorism**  
18 lized to identify domestic and international ter-  
19 rorism investigative classifications (including  
20 any subcategories) and to assign an investiga-  
21 tive classification (including any subcategory) to  
22 a domestic **terrorism** or international terrorism incident.

23 (C) The information required under para-  
24 graph (2).

1           (2) INFORMATION ON DOMESTIC TERRORISM  
2           AND INTERNATIONAL TERRORISM.—Except as pro-  
3           vided in subparagraph (A), each report submitted  
4           under subsection (a) shall include information on in-  
5           cidents of domestic terrorism and international ter-  
6           rorism, including, with respect to each investigative  
7           classification (including any subcategory) of each  
8           such incident, the number and type of actual and at-  
9           tempted property crimes, the number and type of ac-  
10          tual and attempted attacks on persons, the number  
11          of people injured, and the number of people killed,  
12          and—

13                   (A) in the first such report, data on inci-  
14                   dents or attempted incidents of domestic ter-  
15                   rorism and international terrorism that have oc-  
16                   curred in the United States since April 19,  
17                   1995, disaggregated by fiscal year, including,  
18                   with respect to each such incident, the number  
19                   and type of property crimes, the number and  
20                   type of actual and attempted attacks on per-  
21                   sons, the number of people injured, and number  
22                   of people killed; and

23                   (B) in each subsequent report for the pre-  
24                   ceding fiscal year—

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

11 (ii) the number of—

12 (I) assessments, preliminary in-  
13 vestigations, and full investigations  
14 with a domestic terrorism or inter-  
15 national terrorism nexus initiated by  
16 the Federal Bureau of Investigation,  
17 disaggregated by investigative classi-  
18 fication (including any subcategories),  
19 and the number of such investigations  
20 that were initiated as a result of a  
21 hate crime investigation;

22 (II) indictments with a domestic  
23 terrorism or international terrorism  
24 nexus, disaggregated by investigative  
25 classification (including any subcat-

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

3 (III) prosecutions with a domes-  
4 tic terrorism or international ter-  
5 rorism nexus, disaggregated by inves-  
6 tigative classification (including any  
7 subcategories), and an explanation of  
8 each such prosecution; and

9 (IV) convictions with a domestic  
10 terrorism or international terrorism  
11 nexus, disaggregated by investigative  
12 classification (including any subcat-  
13 egories), and an explanation of each  
14 such conviction; and

15 (iii) the number of full-time staff, in-  
16 cluding position descriptions, employed by  
17 the Department of Homeland Security and  
18 the Department of Justice to handle mat-  
19 ters described in subclauses (I) through  
20 (IV) of clause (ii), disaggregated by domes-  
21 tic terrorism and international terrorism.

22 (3) BREAKDOWN OF CERTAIN INFORMATION.—  
23 The information provided under paragraph (2) re-  
24 lated to the number of people killed or injured shall  
25 include a breakdown of law enforcement, first re-

1       sponders, military personnel, and other government  
2       officials.

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 **AND INTERNATIONAL TERRORISM.**

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

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

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

19 (2) evaluate adherence to such standard meth-  
20 odology and the privacy, civil rights, and civil lib-  
21 erties policies and protections set forth in section  
22 101(b)(1)(A)(iii) and 101(b)(1)(B);

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

or international  
terrorism

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

3           (c) ACCESS TO RELEVANT DATA.—The Attorney  
4           General, the Director, and the Secretary shall ensure that  
5           the Comptroller General of the United States has access  
6           to all data necessary to conduct each audit under sub-  
7           section (a), consistent with section 716(a) of title 31,  
8           United States Code.

9           **TITLE II—HOMELAND SECURITY**  
10           **RESEARCH ON DOMESTIC**  
11           **TERRORISM AND INTER-**  
12           **NATIONAL TERRORISM**

13           **SEC. 201. RESEARCH ON DOMESTIC TERRORISM AND**  
14           **INTERNATIONAL TERRORISM.**

15           (a) REPORT.—Not later than 180 days after the date  
16           of enactment of this Act and annually thereafter, the Sec-  
17           retary, acting through the Under Secretary for Science  
18           and Technology of the Department of Homeland Security,  
19           shall submit to the Committee on Homeland Security of  
20           the House of Representatives and the Committee on  
21           Homeland Security and Governmental Affairs of the Sen-  
22           ate a report on international terrorism with a nexus, in-  
23           cluding an ideological or other relationship, with a current  
24           trend in domestic terrorism in the United States. Each  
25           such report shall take into consideration acts that resulted

1 in indictment, prosecution, or conviction, and any patterns  
2 among such terrorist acts.

3 (b) CONTENTS.—Each report submitted under sub-  
4 section (a) shall include the following:

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

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

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

12 (4) The potential benefits and risks of imple-  
13 menting such strategies in the United States, includ-  
14 ing any potential harm to local communities, pri-  
15 vacy, civil rights, civil liberties, and safety.

16 **TITLE III—AUTHORIZATION OF**  
17 **APPROPRIATIONS AND RULES**  
18 **OF CONSTRUCTION**

19 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated \$2,000,000  
21 for each of fiscal years 2020 through 2026 to carry out  
22 this Act, of which \$1,000,000 is authorized to be appro-  
23 priated for each of such fiscal years for the completion  
24 of the joint reports on domestic terrorism and inter-  
25 national terrorism under section 101, and \$1,000,000 is

1 authorized to be appropriated for each of such fiscal years  
2 to carry out section 201.

3 **SEC. 302. RULES OF CONSTRUCTION.**

4 (a) PII.—No report or database created pursuant to  
5 this Act may contain the personally identifiable informa-  
6 tion of any person except persons indicted or convicted of  
7 a crime with a domestic terrorism or international ter-  
8 rorism nexus.

9 (b) DISCOURSE.—No report or database created pur-  
10 suant to this Act may contain the name or other identifi-  
11 able information of any organization engaged in lawful po-  
12 litical or public discourse in the United States protected  
13 under the First Amendment of the United States Con-  
14 stitution.

15 (c) PROTECTION.—Nothing in this Act abrogates, di-  
16 minishes, or weakens the provisions of any Federal or  
17 State law that prevents or protects against the unauthor-  
18 ized collection or release of personal records or personally  
19 identifiable information.

20 (d) DOMESTIC TERRORISM RELATED INFORMA-  
21 TION.—Nothing in this Act ~~may be construed~~ *shall be deemed* as author-  
22 izing the submission of the joint report required under sec-  
23 tion 101 of this Act in a form that does not include infor-  
24 mation required with respect to domestic terrorism.

Amend the title so as to read: “A bill to require a joint domestic and international terrorism report, authorize research within the Department of Homeland Security on current trends in domestic terrorism, and for other purposes.”.

