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 Interna-
3 tional Terrorism Documentation and Analysis of
4 Threats in America Act" or the "Domestic and Intern-
5 tional 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.
(3) DOMESTIC TERRORISM.—The term “domestic terrorism” has the meaning given such 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 State Code.

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

(6) 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.

(7) 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 num-
ber, a date and place of birth, a mother’s maid-
/en name, or biometric records.

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

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

TITLE I—FEDERAL EFFORTS
AGAINST DOMESTIC TERRORISM AND INTERNATIONAL TERRORISM

SEC. 101. JOINT DOMESTIC TERRORISM AND INTERNATIONAL 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 and international terrorism.

(b) CONTENTS.—

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

(A) All guidance, policy memos, and re-
lated documents regarding the following:
(i) The criteria for opening a domestic or international terrorism investigation, including any standards of proof required before opening such investigation.

(ii) Sharing of domestic or international 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 and international terrorism investigative classifications (including any subcategories) and to assign an investigative classification (including any subcategory) to a domestic or international terrorism incident.

(C) The information required under paragraph (2).
(2) INFORMATION ON DOMESTIC TERRORISM
AND INTERNATIONAL TERRORISM.—Except as pro-
vided in subparagraph (A), each report submitted
under subsection (a) shall include information on in-
cidents of domestic terrorism and international ter-
rorism, including, with respect to each investigative
classification (including any subcategory) of each
such incident, the number and type of actual and at-
temted property crimes, the number and type of ac-
tual 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 inci-
dents or attempted incidents of domestic ter-
rorism and international terrorism that have oc-
curred 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 per-
sons, the number of people injured, and number
of people killed; and

(B) in each subsequent report for the pre-
ceeding fiscal year—
(i) data on incidents or attempted incidents of domestic terrorism and international 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 or international terrorism nexus initiated by the Federal Bureau of Investigation, disaggregated by 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 or international terrorism nexus, disaggregated by investigative classification (including any subcat-
egories), and an explanation of each such indictment;

(III) prosecutions with a domestic terrorism or international terrorism nexus, disaggregated by investigative classification (including any subcategories), and an explanation of each such prosecution; and

(IV) convictions with a domestic terrorism or international terrorism nexus, disaggregated by investigative classification (including any subcategories), 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 matters described in subclauses (I) through (IV) of clause (ii), disaggregated by domestic terrorism and international terrorism.

(3) BREAKDOWN OF CERTAIN INFORMATION.—

The information provided under paragraph (2) related to the number of people killed or injured shall include a breakdown of law enforcement, first re-
sponders, military personnel, and other government officials.

(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
AND INTERNATIONAL TERRORISM.

(a) Reviews Required.—Not later than 180 days
after each submission of a joint report on domestic ter-
rorism and international terrorism under section 101(a)
and for five years thereafter, the Comptroller General of
the United States shall submit to the appropriate congres-
sional 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 dis-
play any changes over time, including relating to the
number of investigations, indictments, prosecutions,
convictions, and full-time staff between report sub-
missions;

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

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

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

(e) 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), consistent with section 716(a) of title 31, United States Code.

TITLE II—HOMELAND SECURITY RESEARCH ON DOMESTIC TERRORISM AND INTERNATIONAL TERRORISM

SEC. 201. RESEARCH ON DOMESTIC TERRORISM AND INTERNATIONAL TERRORISM.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary, acting through 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.

(b) CONTENTS.—Each report submitted under sub-
section (a) 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 imple-
menting such strategies in the United States, includ-
ing any potential harm to local communities, pri-
vacy, civil rights, civil liberties, and safety.

TITLE III—AUTHORIZATION OF
APPROPRIATIONS AND RULES
OF CONSTRUCTION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000
for each of fiscal years 2020 through 2026 to carry out
this Act, of which $1,000,000 is authorized to be appro-
priated for each of such fiscal years for the completion
of the joint reports on domestic terrorism and inter-
national terrorism under section 101, and $1,000,000 is
authorized to be appropriated for each of such fiscal years
to carry out section 201.

SEC. 302. RULES OF CONSTRUCTION.

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

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

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

(d) DOMESTIC TERRORISM RELATED INFORMA-

shall be deemed

Nothing in this Act may be construed as author-
izing the submission of the joint report required under sec-
tion 101 of this Act in a form that does not include infor-
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.”.