

DOMESTIC AND INTERNATIONAL TERRORISM DOCUMENTATION AND ANALYSIS OF THREATS IN AMERICA ACT

SEPTEMBER 19, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3106]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(2) **DIRECTOR.**—The term “Director” means 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 number, a date and place of birth, a mother’s maiden name, or biometric records.

(B) Any other information that is linked or linkable to an individual, such as medical, educational, 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 related 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 provided in subparagraph (A), each report submitted under subsection (a) shall include information on incidents of domestic terrorism and international terrorism, including, with respect to each investigative classification (including any subcategory) of 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—

(A) in the first such report, data on incidents or attempted incidents of domestic terrorism and international terrorism that have occurred 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 persons, the number of people injured, and number of people killed; and

(B) in each subsequent report for the preceding 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 subcategories), 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 responders, 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 terrorism and international terrorism under section 101(a) and for five years thereafter, the Comptroller General of the United States shall submit to the appropriate congressional 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 display any changes over time, including relating to the number of investigations, indictments, prosecutions, convictions, and full-time staff between report submissions;

(2) evaluate adherence to such standard methodology and the privacy, civil rights, and civil liberties policies and protections set forth in section 101(b)(1)(A)(iii) and 101(b)(1)(B);

(3) evaluate all guidance, policy memos, and related documents utilized to decide to initiate investigations with a domestic terrorism nexus; and

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

(c) **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 subsection (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 implementing such strategies in the United States, including any potential harm to local communities, privacy, 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 appropriated for each of such fiscal years for the completion of the joint reports on domestic terrorism and international 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 information of any person except persons indicted or convicted of a crime with a domestic terrorism or international terrorism nexus.

(b) DISCOURSE.—No report or database created pursuant to this Act may contain the name or other identifiable information of any organization engaged in lawful political or public discourse in the United States protected under the First Amendment of the United States Constitution.

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

(d) DOMESTIC TERRORISM RELATED INFORMATION.—Nothing in this Act may be construed as authorizing the submission of the joint report required under section 101 of this Act in a form that does not include information 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.

PURPOSE AND SUMMARY

H.R. 3106, the Domestic and International Terrorism Documentation and Analysis of Threats in America (“Domestic and International Terrorism DATA”) Act, seeks to foster transparency and facilitate informed policymaking on domestic and international terrorism by: (1) requiring the Federal Bureau of Investigation (FBI), the Department of Justice (DOJ), and the Department of Homeland Security (DHS) to produce an annual, unclassified joint report that provides data on domestic and international terrorist incidents; assessments, investigations, indictments, prosecutions, and convictions with a domestic or international terrorism nexus; and the number of full-time staff working on domestic terrorism employed by DOJ and DHS; (2) requiring FBI, DOJ, and DHS to affirm that they have complied with relevant privacy, civil rights, and civil liberties protections in compiling this data and to explain the methodology they use to categorize domestic terrorism; (3) requiring the Government Accountability Office to audit the annual reports as well as adherence to privacy, civil rights, and civil liberties protections and the agencies’ stated methodologies; and (4) requiring DHS’ Science and Technology Directorate to study transnational links between groups linked to domestic terrorism in the United States, such as white supremacists, and their counterparts abroad.

BACKGROUND AND NEED FOR LEGISLATION

Domestic terrorism-including white supremacist extremist violence-presents a persistent and growing threat to the security of our homeland.

Data collected by civil rights groups and other stakeholders attest to a troubling rise in domestic terrorism in recent years. According to the ADL (Anti-Defamation League), in 2018, domestic extremists killed at least 50 people in the U.S., a sharp increase from the 37 extremist-related murders documented in 2017, though still lower than the totals for 2015 (70 murders) and 2016 (72 mur-

ders). The 50 deaths made 2018 the fourth-deadliest year on record for domestic extremist-related killings since 1970.¹

According to an analysis by the Washington Post, between 2010 and 2017, right-wing violent extremists committed a third of all acts of domestic terrorism in the U.S. (92 out of 263), more than Islamist terrorists (38 out of 263) and left-wing terrorists (34 out of 263) put together.² Unpublished FBI data leaked to the Washington Post in early March 2019 reveal that there were more domestic terrorism-related arrests than international terrorism-related arrests in both Fiscal Year (FY) 2017 and FY 2018.³

According to the ADL, there were 427 extremist-related killings in the U.S. from 2009 to 2018.⁴ Of those, 73.3% were committed by right-wing extremists, 23.4% by Islamist extremists, and 3.2% by left-wing extremists. Three out of four killings committed by right-wing extremists in the U.S. were committed by white supremacists (313 from 2009 to 2018).⁵

On May 8, 2019, FBI Assistant Director for Counterterrorism Michael McGarrity testified before the Committee on Homeland Security that the FBI was investigating 850 domestic terrorism cases—and of those, about 40 percent involved racially motivated extremism, mostly white supremacist extremism.⁶ On July 23, 2019, FBI Director Christopher Wray testified before the Senate Committee on the Judiciary that there have been a similar number of arrests of domestic terrorism suspects compared to arrests of international terrorism suspects in the first three quarters of FY 2019.⁷

To confront domestic terrorism, Congress and the public need information from the government on domestic terrorist incidents and the government's activities to combat it. While public data compiled by outside stakeholders have helped our understanding of the domestic terrorism threat landscape, there is no substitute for government data. The Federal government published similar information in the past.⁸ In light of the surge in domestic terrorism, a renewed effort to share such information with the public is justified. In Committee, the core provisions of the bill, requiring Federal data regarding efforts with respect to domestic terrorism was expanded to also encompass Federal data regarding efforts with respect to international terrorism.

¹*Murder and Extremism in the United States in 2018*, Anti-Defamation League, Jan. 2019, <https://www.adl.org/murder-and-extremism-2018>.

²*In the United States, right-wing violence is on the rise*, Wash. Post, Nov. 25, 2018, https://www.washingtonpost.com/national/in-the-united-states-right-wing-violence-is-on-the-rise/2018/11/25/61f7f24a-deb4-11e8-85df-7a6b4d25cfbb_story.html.

³*Arrests in domestic terror probes outpace those inspired by Islamic extremists*, Wash. Post, Mar. 9, 2019, https://www.washingtonpost.com/world/national-security/arrests-in-domestic-terror-probes-outpace-those-inspired-by-islamic-extremists/2019/03/08/0bf329b6-392f-11e9-a2cd-307b06d0257b_story.html.

⁴*Murder and Extremism in the United States in 2018*, Anti-Defamation League, Jan. 2019, <https://www.adl.org/murder-and-extremism-2018>.

⁵*Id.*

⁶*Full Committee Hearing: Confronting the Rise of Domestic Terrorism in the Homeland*, Committee on Homeland Security, May 8, 2019, <https://homeland.house.gov/activities/hearings/confronting-the-rise-of-domestic-terrorism-in-the-homeland>.

⁷*Full Committee Hearing: Oversight of the Federal Bureau of Investigation*, Committee on the Judiciary (Senate), July 23, 2019, <https://www.judiciary.senate.gov/meetings/07/23/2019/oversight-of-the-federal-bureau-of-investigation>.

⁸From the early 1990s until 2005, the FBI produced a Terrorism report that captured both domestic and international terror incidents in the United States. Although the report was not perfect, it provided clarity on the federal government's actions to counter all forms of terrorism. The report provided additional insight regarding the FBI's concept of "threats" and provided background on trends in terrorism.

Protecting the homeland from domestic terrorism is an urgent and important task. Congress and the public require transparency from the FBI, DOJ, and DHS regarding the domestic terrorist threats we face and how the government is allocating resources to confront domestic terrorism and better understand current and emerging terrorist trends. Enactment of H.R. 3106 will ensure greater transparency on this persistent and growing homeland security threat.

HEARINGS

For the purpose of section 103(i) of H. Res 6. Of the 116th Congress the following hearing was used to develop or consider H.R. 3106:

On May 8, 2019, the Committee on Homeland Security held a hearing entitled “Confronting the Rise of Domestic Terrorism in the Homeland.” Committee Members received testimony from the following witnesses: Brad Wiegmann, Deputy Assistant Attorney General, National Security Division, Department of Justice (DOJ); Michael McGarrity, Assistant Director for Counterterrorism, Federal Bureau of Investigation (FBI); and Brian Murphy, Principal Deputy Undersecretary for Intelligence & Analysis, Department of Homeland Security (DHS). Witnesses provided testimony regarding the threat of domestic terrorism and what their agencies are doing with federal, state, and local partners to counter these threats.

At this hearing, FBI Assistant Director McGarrity offered the following testimony: “We believe domestic terrorists pose a present and persistent threat of violence and economic harm to the United States; in fact, there have been more arrests and deaths caused by domestic terrorists than international terrorists in recent years.” Similarly, Deputy Assistant Attorney General Wiegmann also stated: “Domestic terrorism continues to pose a significant threat to the public, as a number of recent attacks and plots amply demonstrate. . . . [W]here an individual tries to impose or promote an ideology through acts of violence, often on a mass scale, those acts can be among the most serious crimes we confront as a society. We have seen individuals conduct domestic terror attacks too many times, whether motivated by anti-government animus, racism, or other ideologies.”

COMMITTEE CONSIDERATION

The Committee met on July 17, 2019, with a quorum being present, to consider H.R. 3106 and ordered the measure to be reported to the House with a favorable recommendation, as amendment, by unanimous consent.

The following amendment was offered and agreed to by unanimous consent:

An amendment in the nature of a substitute offered by Mr. King.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3106.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE
NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 2019.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3106, the Domestic and International Terrorism DATA Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 3106, Domestic and International Terrorism DATA Act			
As ordered reported by the House Committee on Homeland Security on July 17, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	12	not estimated
Statutory Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3106 would authorize the appropriation of \$2 million annually over the 2020–2026 period for the Department of Homeland Security and the Department of Justice to prepare annual reports

on domestic and international terrorism. The bill also would require the Government Accountability Office (GAO) to prepare an annual audit of those reports.

Based on the costs of similar activities, CBO estimates that it would cost about \$500,000 annually for the GAO audits. Assuming appropriation of the authorized and estimated amounts, CBO estimates that implementing the bill would cost about \$12 million over the 2020–2024 period. Estimated outlays are based on historical spending patterns for these activities. The costs of the legislation (detailed in Table 1) fall within budget functions 750 (administration of justice) and 800 (general government).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION

	By fiscal year, millions of dollars—						
	2019	2020	2021	2022	2023	2024	2019–2024
Estimated Authorization	0	3	3	3	3	3	12
Estimated Outlays	0	3	3	3	3	3	12

Details may not sum to totals because of rounding.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 3106 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

With regard to the joint report required under Section 101, the Committee generally expects that the report must include all elements described under Section 101, including information on domestic terrorism and assessments, preliminary investigations, full investigations, indictments, prosecutions, and convictions. The Committee expects the information on domestic terrorism to be disaggregated by the ideology associated with each domestic terrorist incident. In particular, the Committee expects to see a disaggregation of domestic terrorist incidents and assessments, preliminary investigations, full investigations, indictments, prosecutions, and convictions associated with white supremacist extremism. With regard to Section 101(b)(1)(B), the Committee expects a sufficient level of detail to understand the identification of particular investigative classifications under the umbrella of “racially motivated violent extremism” or any similar overarching classification, in order to disaggregate particular sub-types of racially motivated violent extremism, such as white supremacist extremist violence.

With regard to Section 201, the Committee intends for the research required under this section to further Congress and the public's understanding of the transnational networks of domestic terrorist movements, such as white supremacist extremist violence, including the use of online platforms to further domestic terrorism.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Sec 2. Definitions

This section provides definitions of the following terms: appropriate congressional committees; Director; domestic terrorism; hate crime; international terrorism; online platform; personally identifiable information; and Secretary.

Title I—Federal Efforts Against Domestic Terrorism and International Terrorism

Sec. 101—Joint domestic terrorism and international terrorism report

This section requires FBI, DOJ, and DHS to produce an annual, unclassified joint report that provides the following: data on domestic and international terrorist incidents; assessments, investigations, indictments, prosecutions, and convictions with a domestic or international terrorism nexus; and the number of full-time staff working on domestic terrorism employed by DOJ and DHS. This section also requires FBI, DOJ, and DHS to affirm that they have complied with relevant privacy, civil rights, and civil liberties protections in compiling this data and to explain the methodology they use to categorize domestic terrorism.

Sec. 102—Annual comptroller general audit of joint report on domestic terrorism and international terrorism

This section requires the Government Accountability Office to audit the annual reports as well as adherence to privacy, civil rights, and civil liberties protections and the agencies' stated methodologies.

Title II—Homeland Security Research on Domestic Terrorism and International Terrorism

Sec. 201—Research on domestic terrorism and international terrorism

This section requires DHS' Science and Technology Directorate to study transnational links between groups linked to domestic terrorism in the United States, such as white supremacist extremists, and their counterparts abroad.

Title III—Authorization of Appropriations and Rules of
Construction

Sec. 301—Authorization of appropriations

This section authorizes \$2 million for each of fiscal years 2020 through 2026 to carry out this Act, of which \$1 million is authorized for the joint report required under Section 101 and \$1 million is authorized for the research required under Section 201.

Sec. 302—Rules of construction

This section affirms that nothing in this Act shall infringe upon privacy rights and First Amendment rights. It also affirms that the joint report required under Section 101 must include information related to domestic terrorism. The Committee stresses that submission of a joint without required information regarding domestic terrorism would not fulfill the mandate set forth under Section 101.

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Sixteenth Congress

September 19, 2019

The Honorable Bennie Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, DC 20515

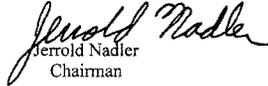
Dear Chairman Thompson:

This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H. R. 3106, the "Domestic Terrorism DATA Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the resolution for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 2106, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,



Jerrold Nadler
Chairman

- c: The Honorable Douglas Collins, Ranking Member, Committee on the Judiciary
The Honorable Thomas J. Wickham, Jr., Parliamentarian
The Honorable Michael Rogers, Ranking Member, Committee on Homeland Security

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

MIKE ROGERS, ALABAMA
RANKING MEMBER



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

September 18, 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nadler:

Thank you for your letter regarding H.R. 3106, the "Domestic Terrorism DATA Act." The Committee on Homeland Security recognizes that the Committee on the Judiciary has a jurisdictional interest in H.R. 3106, and I appreciate your effort to allow this bill to be considered on the House floor.

I concur with you that forgoing action on the bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House – Senate conference involving this legislation.

I will include our letters on H.R. 3106 in the *Congressional Record* during floor consideration of this bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,


Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Michael Rogers, Ranking Member
The Honorable Tom Wickham, Parliamentarian

MINORITY VIEWS

On July 17, 2019, the Committee on Homeland Security favorably reported H.R. 3106, as amended, with bipartisan support. Committee Republicans supported the Amendment in the Nature of a Substitute (ANS) offered by Congressman Pete King (R-NY). The ANS addressed several shortfalls in the legislation, which would have resulted in stand-alone reporting and research efforts into domestic terrorism threats. A vital lesson from the September 11, 2001 terror attacks is that the government cannot have a siloed approach to homeland security threats. The ANS ensured that the reporting and research frameworks established in the bill include both domestic and international terrorism threats.

There is bipartisan agreement on the need for more reliable public reporting on both domestic and international terror threats to the homeland. The report mandated in the legislation requires the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), and the Department of Justice (DOJ) to produce an annual report for six years on a number of investigative aspects of domestic and international terrorism. The FBI and DOJ are the lead agencies for investigating and prosecuting terrorism. It is not clear why DHS was included as a lead agency in the report, but Republican Members do support a coordinated approach to Federal efforts to counter both domestic and international terrorism. As this legislation moves through the legislative process, appropriate agency involvement and the specific elements required in the report should be further assessed. Additionally, DHS, FBI, and DOJ have indicated that they have additional comments on the legislation, and we encourage further meetings with these agencies to ensure the legislation includes their feedback.

We soundly denounce acts of domestic terrorism and support efforts to better track and counter this threat. Attacks like those that occurred at the Chabad of Poway synagogue, a store in El Paso, Texas, a busy street in Dayton, Ohio, and the Dar-ul-Arqam mosque, among others, are horrific and have been rightly condemned. However, it's important to note that acts of domestic terrorism are perpetrated by individuals radicalized by extremist ideologies from both the right and the left. In fact, just this summer, there were at least two acts of violence linked to the radical left-wing group, Antifa. On June 29, 2019, competing rallies in Portland, Oregon led to confrontations between the Proud Boys, Rose City Antifa, journalists and law enforcement. According to media reports, at least eight people, including law enforcement, were treated by medics at the scene and three additional individuals were taken to local hospitals. On July 13, 2019, a self-described Antifa member ignited a vehicle and fired upon an Immigration and Customs Enforcement facility in Tacoma, Washington.

Committee Republicans were pleased to work with Chairman Thompson to amend H.R. 3106 and ensure that both international and domestic terrorism, regardless of ideology, is better tracked, assessed, and countered. While the bill needs further review and adjustment, Committee Republicans are prepared to support the measure and move the legislation forward.

MIKE ROGERS.

