

115TH CONGRESS  
1ST SESSION

# H. R. 642

To amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. BARLETTA (for himself, Mr. KING of New York, and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, 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 “Fusion Center En-  
5 hancement Act of 2017”.

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY FUSION**  
2 **CENTER PARTNERSHIP INITIATIVE.**

3 (a) IN GENERAL.—Section 210A of the Homeland  
4 Security Act of 2002 (6 U.S.C. 124h) is amended—

5 (1) by amending the section heading to read as  
6 follows:

7 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-**  
8 **SION CENTER PARTNERSHIP INITIATIVE.”;**

9 (2) in subsection (a), by adding at the end the  
10 following new sentence: “Beginning on the date of  
11 the enactment of the Fusion Center Enhancement  
12 Act of 2017, such Initiative shall be known as the  
13 ‘Department of Homeland Security Fusion Center  
14 Partnership Initiative.’”;

15 (3) by amending subsection (b) to read as fol-  
16 lows:

17 **“(b) INTERAGENCY SUPPORT AND COORDINATION.—**  
18 **Through the Department of Homeland Security Fusion**  
19 **Center Partnership Initiative, in coordination with prin-**  
20 **cipal officials of fusion centers in the National Network**  
21 **of Fusion Centers and the officers designated as the**  
22 **Homeland Security Advisors of the States, the Secretary**  
23 **shall—**

24 **“(1) coordinate with the heads of other Federal**  
25 **departments and agencies to provide operational and**

1 intelligence advice and assistance to the National  
2 Network of Fusion Centers;

3 “(2) support the integration of fusion centers  
4 into the information sharing environment;

5 “(3) support the maturation and sustainment  
6 of the National Network of Fusion Centers;

7 “(4) reduce inefficiencies and maximize the ef-  
8 fectiveness of Federal resource support to the Na-  
9 tional Network of Fusion Centers;

10 “(5) provide analytic and reporting advice and  
11 assistance to the National Network of Fusion Cen-  
12 ters;

13 “(6) review information within the scope of the  
14 information sharing environment, including home-  
15 land security information, terrorism information,  
16 and weapons of mass destruction information, that  
17 is gathered by the National Network of Fusion Cen-  
18 ters and incorporate such information, as appro-  
19 priate, into the Department’s own such information;

20 “(7) provide for the effective dissemination of  
21 information within the scope of the information  
22 sharing environment to the National Network of Fu-  
23 sion Centers;

24 “(8) facilitate close communication and coordi-  
25 nation between the National Network of Fusion

1 Centers and the Department and other Federal de-  
2 partments and agencies;

3 “(9) provide the National Network of Fusion  
4 Centers with expertise on Department resources and  
5 operations;

6 “(10) coordinate the provision of training and  
7 technical assistance to the National Network of Fu-  
8 sion Centers and encourage participating fusion cen-  
9 ters to take part in terrorism threat-related exercises  
10 conducted by the Department;

11 “(11) ensure, to the greatest extent practicable,  
12 that support for the National Network of Fusion  
13 Centers is included as a national priority in applica-  
14 ble homeland security grant guidance;

15 “(12) ensure that each fusion center in the Na-  
16 tional Network of Fusion Centers has a privacy pol-  
17 icy approved by the Chief Privacy Officer of the De-  
18 partment and a civil rights and civil liberties policy  
19 approved by the Officer for Civil Rights and Civil  
20 Liberties of the Department;

21 “(13) coordinate the nationwide suspicious ac-  
22 tivity report initiative to ensure information gath-  
23 ered by the National Network of Fusion Centers is  
24 incorporated as appropriate;

1           “(14) lead Department efforts to ensure fusion  
2           centers in the National Network of Fusion Centers  
3           are the primary focal points for the sharing of home-  
4           land security information, terrorism information,  
5           and weapons of mass destruction information with  
6           State, local, tribal, and territorial entities to the  
7           greatest extent practicable;

8           “(15) develop and disseminate best practices on  
9           the appropriate levels for staffing at fusion centers  
10          in the National Network of Fusion Centers of quali-  
11          fied representatives from State, local, tribal, and ter-  
12          ritorial law enforcement, fire, emergency medical,  
13          and emergency management services, and public  
14          health disciplines, as well as the private sector; and

15          “(16) carry out such other duties as the Sec-  
16          retary determines appropriate.”;

17                 (4) in subsection (c)—

18                         (A) by striking so much as precedes para-  
19                         graph (3)(B) and inserting the following:

20           “(c) RESOURCE ALLOCATION.—

21                         “(1) INFORMATION SHARING AND PERSONNEL  
22                         ASSIGNMENT.—

23                                 “(A) INFORMATION SHARING.—The Under  
24                                 Secretary for Intelligence and Analysis shall en-  
25                                 sure that, as appropriate—

1           “(i) fusion centers in the National  
2           Network of Fusion Centers have access to  
3           homeland security information sharing sys-  
4           tems; and

5           “(ii) Department personnel are de-  
6           ployed to support fusion centers in the Na-  
7           tional Network of Fusion Centers in a  
8           manner consistent with the Department’s  
9           mission and existing statutory limits.

10          “(B) PERSONNEL ASSIGNMENT.—Depart-  
11          ment personnel referred to in subparagraph  
12          (A)(ii) may include the following:

13                 “(i) Intelligence officers.

14                 “(ii) Intelligence analysts.

15                 “(iii) Other liaisons from components  
16                 and offices of the Department, as appro-  
17                 priate.

18          “(C) MEMORANDA OF UNDERSTANDING.—  
19          The Under Secretary for Intelligence and Anal-  
20          ysis shall negotiate memoranda of under-  
21          standing between the Department and a State  
22          or local government, in coordination with the  
23          appropriate representatives from fusion centers  
24          in the National Network of Fusion Centers, re-  
25          garding the exchange of information between

1 the Department and such fusion centers. Such  
2 memoranda shall include the following:

3 “(i) The categories of information to  
4 be provided by each entity to the other en-  
5 tity that are parties to any such memo-  
6 randa.

7 “(ii) The contemplated uses of the ex-  
8 changed information that is the subject of  
9 any such memoranda.

10 “(iii) The procedures for developing  
11 joint products.

12 “(iv) The information sharing dispute  
13 resolution processes.

14 “(v) Any protections necessary to en-  
15 sure the exchange of information accords  
16 with applicable law and policies.

17 “(2) SOURCES OF SUPPORT.—

18 “(A) IN GENERAL.—Information shared  
19 and personnel assigned pursuant to paragraph  
20 (1) may be shared or provided, as the case may  
21 be, by the following Department components  
22 and offices, in coordination with the respective  
23 component or office head and in consultation  
24 with the principal officials of fusion centers in  
25 the National Network of Fusion Centers:

1                   “(i) The Office of Intelligence and  
2                   Analysis.

3                   “(ii) The Office of Infrastructure Pro-  
4                   tection.

5                   “(iii) The Transportation Security  
6                   Administration.

7                   “(iv) U.S. Customs and Border Pro-  
8                   tection.

9                   “(v) U.S. Immigration and Customs  
10                  Enforcement.

11                  “(vi) The Coast Guard.

12                  “(vii) Other components or offices of  
13                  the Department, as determined by the Sec-  
14                  retary.

15                  “(B) COORDINATION WITH OTHER FED-  
16                  ERAL AGENCIES.—The Under Secretary for In-  
17                  telligence and Analysis shall coordinate with ap-  
18                  propriate officials throughout the Federal Gov-  
19                  ernment to ensure the deployment to fusion  
20                  centers in the National Network of Fusion Cen-  
21                  ters of representatives with relevant expertise of  
22                  other Federal departments and agencies.

23                  “(3) RESOURCE ALLOCATION CRITERIA.—

24                  “(A) IN GENERAL.—The Secretary shall  
25                  make available criteria for sharing information



1 and deploying personnel to support a fusion  
2 center in the National Network of Fusion Cen-  
3 ters in a manner consistent with the Depart-  
4 ment’s mission and existing statutory limits.”;  
5 and

6 (B) in paragraph (4)(B), in the matter  
7 preceding clause (i), by inserting “in which  
8 such fusion center is located” after “region”;  
9 (5) in subsection (d)—

10 (A) in paragraph (3), by striking “and” at  
11 the end;

12 (B) in paragraph (4)—

13 (i) by striking “government” and in-  
14 serting “governments”; and

15 (ii) by striking the period at the end  
16 and inserting “; and”; and

17 (C) by adding at the end the following new  
18 paragraph:

19 “(5) utilize Department information, including  
20 information held by components and offices, to de-  
21 velop analysis focused on the mission of the Depart-  
22 ment under section 101(b).”;

23 (6) in subsection (e)—

24 (A) by amending paragraph (1) to read as  
25 follows:

1           “(1) IN GENERAL.—To the greatest extent  
2           practicable, the Secretary shall make it a priority to  
3           allocate resources, including deployed personnel,  
4           under this section from U.S. Customs and Border  
5           Protection, U.S. Immigration and Customs Enforce-  
6           ment, and the Coast Guard to support fusion centers  
7           in the National Network of Fusion Centers located  
8           in jurisdictions along land or maritime borders of  
9           the United States in order to enhance the integrity  
10          of and security at such borders by helping Federal,  
11          State, local, tribal, and territorial law enforcement  
12          authorities to identify, investigate, and otherwise  
13          interdict persons, weapons, and related contraband  
14          that pose a threat to homeland security.”; and

15                 (B) in paragraph (2), in the matter pre-  
16                 ceding subparagraph (A), by striking “partici-  
17                 pating State, local, and regional fusion centers”  
18                 and inserting “fusion centers in the National  
19                 Network of Fusion Centers”;

20                 (7) in subsection (j)—

21                         (A) in paragraph (4), by striking “and” at  
22                         the end;

23                         (B) by redesignating paragraph (5) as  
24                         paragraph (6); and

1 (C) by inserting after paragraph (4) the  
2 following new paragraph:

3 “(5) the term ‘National Network of Fusion  
4 Centers’ means a decentralized arrangement of fu-  
5 sion centers intended to enhance individual State  
6 and urban area fusion centers’ ability to leverage the  
7 capabilities and expertise of all fusion centers for the  
8 purpose of enhancing analysis and homeland secu-  
9 rity information sharing nationally; and”;

10 (8) by striking subsection (k).

11 (b) ACCOUNTABILITY REPORT.—Not later than one  
12 year after the date of the enactment of this Act and annu-  
13 ally thereafter through 2024, the Under Secretary for In-  
14 telligence and Analysis of the Department of Homeland  
15 Security shall report to the Committee on Homeland Secu-  
16 rity and the Permanent Select Committee on Intelligence  
17 of the House of Representatives and the Committee on  
18 Homeland Security and Governmental Affairs and the Se-  
19 lect Committee on Intelligence of the Senate on the efforts  
20 of the Office of Intelligence and Analysis of the Depart-  
21 ment and other relevant components and offices of the De-  
22 partment to enhance support provided to fusion centers  
23 in the National Network of Fusion Centers, including  
24 meeting the requirements specified in section 210A of the

1 Homeland Security Act of 2002 (6 U.S.C. 124h), as  
2 amended by subsection (a) of this section.

3 (c) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of such Act is amended by striking the  
5 item relating to section 210A and inserting the following  
6 new item:

“Sec. 210A. Department of Homeland Security Fusion Centers Initiative.”.

7 (d) REFERENCE.—Any reference in any law, rule, or  
8 regulation to the “Department of Homeland Security  
9 State, Local, and Regional Fusion Center Initiative” shall  
10 be deemed to be a reference to the “Department of Home-  
11 land Security Fusion Center Initiative”.

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