

115TH CONGRESS  
1ST SESSION

# H. R. 678

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To require an assessment of fusion center personnel needs,  
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-  
3 land Security Support to Fusion Centers Act of 2017”.

4 **SEC. 2. FUSION CENTER PERSONNEL NEEDS ASSESSMENT.**

5 Not later than 120 days after the date of the enact-  
6 ment of this Act, the Comptroller General of the United  
7 States shall conduct an assessment of Department of  
8 Homeland Security personnel assigned to fusion centers  
9 pursuant to subsection (c) of section 210A of the Home-  
10 land Security Act of 2002 (6 U.S.C. 124h), including an  
11 assessment of whether deploying additional Department  
12 personnel to such fusion centers would enhance the De-  
13 partment’s mission under section 101(b) of such Act and  
14 the National Network of Fusion Centers. The assessment  
15 required under this subsection shall include the following:

16 (1) Information on the current deployment of  
17 the Department’s personnel to each fusion center.

18 (2) Information on the roles and responsibilities  
19 of the Department’s Office of Intelligence and Anal-  
20 ysis intelligence officers, intelligence analysts, senior  
21 reports officers, reports officers, and regional direc-  
22 tors deployed to fusion centers.

23 (3) Information on Federal resources, in addi-  
24 tion to personnel, provided to each fusion center.

25 (4) An analysis of the optimal number of per-  
26 sonnel the Office of Intelligence and Analysis should

1       deploy to fusion centers, including a cost-benefit  
2       analysis comparing deployed personnel with techno-  
3       logical solutions to support information sharing.

4               (5) An assessment of fusion centers located in  
5       jurisdictions along land and maritime borders of the  
6       United States, and the degree to which deploying  
7       personnel, as appropriate, from U.S. Customs and  
8       Border Protection, U.S. Immigration and Customs  
9       Enforcement, and the Coast Guard to such fusion  
10      centers would enhance the integrity and security at  
11      such borders by helping Federal, State, local, tribal,  
12      and territorial law enforcement authorities to iden-  
13      tify, investigate, and interdict persons, weapons, and  
14      related contraband that pose a threat to homeland  
15      security.

16              (6) An assessment of fusion centers located in  
17      jurisdictions with large and medium hub airports,  
18      and the degree to which deploying, as appropriate,  
19      personnel from the Transportation Security Admin-  
20      istration to such fusion centers would enhance the  
21      integrity and security of aviation security.

22   **SEC. 3. PROGRAM FOR STATE AND LOCAL ANALYST CLEAR-**  
23                                   **ANCES.**

24              (a) SENSE OF CONGRESS.—It is the sense of Con-  
25      gress that any program established by the Under Sec-

1   retary for Intelligence and Analysis of the Department of  
2   Homeland Security to provide eligibility for access to in-  
3   formation classified as Top Secret for State, local, tribal,  
4   and territorial analysts located in fusion centers shall be  
5   consistent with the need to know requirements pursuant  
6   to Executive Order No. 13526 (50 U.S.C. 3161 note).

7       (b) REPORT.—Not later than 2 years after the date  
8   of the enactment of this Act, the Under Secretary of Intel-  
9   ligence and Analysis of the Department of Homeland Se-  
10   curity, in consultation with the Director of National Intel-  
11   ligence, shall submit to the Committee on Homeland Secu-  
12   rity and the Permanent Select Committee on Intelligence  
13   of the House of Representatives and the Committee on  
14   Homeland Security and Governmental Affairs and the Se-  
15   lect Committee on Intelligence of the Senate a report on  
16   the following:

17           (1) The process by which the Under Secretary  
18       of Intelligence and Analysis determines a need to  
19       know pursuant to Executive Order No. 13526 to  
20       sponsor Top Secret clearances for appropriate State,  
21       local, tribal, and territorial analysts located in fusion  
22       centers.

23           (2) The effects of such Top Secret clearances  
24       on enhancing information sharing with State, local,  
25       tribal, and territorial partners.

1           (3) The cost for providing such Top Secret  
2 clearances for State, local, tribal, and territorial ana-  
3 lysts located in fusion centers, including training  
4 and background investigations.

5           (4) The operational security protocols, training,  
6 management, and risks associated with providing  
7 such Top Secret clearances for State, local, tribal,  
8 and territorial analysts located in fusion centers.

9 **SEC. 4. INFORMATION TECHNOLOGY ASSESSMENT.**

10         The Under Secretary of Intelligence and Analysis of  
11 the Department of Homeland Security, in collaboration  
12 with the Chief Information Officer of the Department and  
13 representatives from the National Network of Fusion Cen-  
14 ters, shall conduct an assessment of information systems  
15 (as such term is defined in section 3502 of title 44, United  
16 States Code) used to share homeland security information  
17 between the Department and fusion centers in the Na-  
18 tional Network of Fusion Centers and make upgrades to  
19 such systems, as appropriate. Such assessment shall in-  
20 clude the following:

21           (1) An evaluation of the accessibility and ease  
22 of use of such systems by fusion centers in the Na-  
23 tional Network of Fusion Centers.

24           (2) A review to determine how to establish im-  
25 proved interoperability of departmental information

1 systems with existing information systems used by  
2 fusion centers in the National Network of Fusion  
3 Centers.

4 (3) An evaluation of participation levels of de-  
5 partmental components and offices of information  
6 systems used to share homeland security information  
7 with fusion centers in the National Network of Fu-  
8 sion Centers.

9 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

10 Not later than 1 year after the date of the enactment  
11 of this Act, the Under Secretary of Intelligence and Anal-  
12 ysis of the Department of Homeland Security shall enter  
13 into a memorandum of understanding with each fusion  
14 center in the National Network of Fusion Centers regard-  
15 ing the type of information such fusion centers will provide  
16 to the Department and whether such information may be  
17 subject to public disclosure.

18 **SEC. 6. AMENDMENTS.**

19 Section 210A of the Homeland Security Act of 2002  
20 (6 U.S.C. 124h) is amended—

21 (1) in subsection (d), by striking “and tribal”  
22 each place it appears and inserting “tribal, and ter-  
23 ritorial”;

1           (2) in subsection (e), by striking “and tribal”  
2           each place it appears and inserting “tribal, and ter-  
3           ritorial”;

4           (3) in subsection (g)(1), by striking “or tribal”  
5           and inserting “tribal, or territorial”;

6           (4) in subsection (i)—

7                 (A) in paragraph (3), by striking “and  
8                 tribal” and inserting “tribal, territorial”; and

9                 (B) in paragraph (6), by inserting “terri-  
10                torial,” after “tribal,”; and

11           (5) in subsection (j)(1), by striking “or tribal”  
12           and inserting “tribal, or territorial”.

13 **SEC. 7. DEFINITIONS.**

14           In this Act:

15                 (1) FUSION CENTER.—The term “fusion cen-  
16                 ter” has the meaning given such term in subsection  
17                 (j) of section 210A of the Homeland Security Act of  
18                 2002 (6 U.S.C. 124h).

19                 (2) NATIONAL NETWORK OF FUSION CEN-  
20                 TERS.—The term “National Network of Fusion Cen-  
21                 ters” means a decentralized arrangement of fusion  
22                 centers intended to enhance individual State and  
23                 urban area fusion centers’ ability to leverage the ca-  
24                 pabilities and expertise of all such fusion centers for

1 the purpose of enhancing analysis and homeland se-  
2 curity information sharing nationally.

Passed the House of Representatives January 31,  
2017.

Attest:

KAREN L. HAAS,

*Clerk.*