

stitutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

(Pub. L. 107-296, title II, § 209, as added Pub. L. 110-53, title V, § 503(a), Aug. 3, 2007, 121 Stat. 312.)

§ 124g. Information sharing incentives

(a) Awards

In making cash awards under chapter 45 of title 5, the President or the head of an agency, in consultation with the program manager designated under section 485 of this title, may consider the success of an employee in appropriately sharing information within the scope of the information sharing environment established under that section, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3003(5) of title 50¹, in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) Other incentives

The head of each department or agency described in section 485(h) of this title, in consultation with the program manager designated under section 485 of this title, shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to participate fully in the information sharing environment, including—

- (1) promotions and other nonmonetary awards; and
- (2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

(Pub. L. 107-296, title II, § 210, as added Pub. L. 110-53, title V, § 503(a), Aug. 3, 2007, 121 Stat. 313; amended Pub. L. 117-263, div. F, title LXVIII, § 6811(c)(2), Dec. 23, 2022, 136 Stat. 3601.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 substituted “section 485(h) of this title” for “section 485(i) of this title” in introductory provisions.

§ 124h. Department of Homeland Security State, Local, and Regional Fusion Center Initiative

(a) Establishment

The Secretary, in consultation with the program manager of the information sharing environment established under section 485 of this title, the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 2000ee of title 42, shall establish a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

¹ So in original. A closing parenthesis probably should precede the comma.

(b) Department support and coordination

Through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative, and in coordination with the principal officials of participating State, local, or regional fusion centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

- (1) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;
- (2) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;
- (3) conduct tabletop and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;
- (4) coordinate with other relevant Federal entities engaged in homeland security-related activities;
- (5) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by State, local, and regional fusion centers, and to incorporate such information, as appropriate, into the Department's own such information;

(7) provide management assistance to State, local, and regional fusion centers;

(8) serve as a point of contact to ensure the dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

(9) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

(10) provide State, local, and regional fusion centers with expertise on Department resources and operations;

(11) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorism threat-related exercises conducted by the Department; and

(12) carry out such other duties as the Secretary determines are appropriate.

(c) Personnel assignment

(1) In general

The Under Secretary for Intelligence and Analysis shall, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to participating State, local, and regional fusion centers.

(2) Personnel sources

Officers and intelligence analysts assigned to participating fusion centers under this subsection may be assigned from the following Department components, in coordination with the respective component head and in con-

sultation with the principal officials of participating fusion centers:

- (A) Office of Intelligence and Analysis.
- (B) Cybersecurity and Infrastructure Security Agency.
- (C) Transportation Security Administration.
- (D) United States Customs and Border Protection.
- (E) United States Immigration and Customs Enforcement.
- (F) United States Coast Guard.
- (G) Other components of the Department, as determined by the Secretary.

(3) Qualifying criteria

(A) In general

The Secretary shall develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

(B) Criteria

Any criteria developed under subparagraph (A) may include—

- (i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;
- (ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;
- (iii) whether the fusion center has—
 - (I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and
 - (II) the ability to share and analytically utilize that data for lawful purposes;
- (iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and
- (v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

(4) Prerequisite

(A) Intelligence analysis, privacy, and civil liberties training

Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

- (i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—
 - (I) standard training and education programs offered to Department law enforcement and intelligence personnel; and
 - (II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar rule or regulation);
- (ii) appropriate privacy and civil liberties training that is developed, sup-

ported, or sponsored by the Privacy Officer appointed under section 142 of this title and the Officer for Civil Rights and Civil Liberties of the Department, in consultation with the Privacy and Civil Liberties Oversight Board established under section 2000ee of title 42; and

- (iii) such other training prescribed by the Under Secretary for Intelligence and Analysis.

(B) Prior work experience in area

In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Under Secretary for Intelligence and Analysis shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

- (i) has been previously assigned in the geographic area; or
- (ii) has previously worked with intelligence officials or law enforcement or other emergency response providers from that State, locality, or region.

(5) Expedited security clearance processing

The Under Secretary for Intelligence and Analysis—

- (A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate security clearance to contribute effectively to the mission of the fusion center; and

- (B) may request that security clearance processing be expedited for each such officer or intelligence analyst and may use available funds for such purpose.

(6) Further qualifications

Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

(d) Responsibilities

An officer or intelligence analyst assigned to a fusion center under this section shall—

- (1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to develop a comprehensive and accurate threat picture;
- (2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;
- (3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department; and
- (4) assist in the dissemination of such products, as coordinated by the Under Secretary for Intelligence and Analysis, to law enforcement agencies and other emergency response providers of State, local, and tribal govern-

ment, other fusion centers, and appropriate Federal agencies.

(e) Border intelligence priority

(1) In general

The Secretary shall make it a priority to assign officers and intelligence analysts under this section from United States Customs and Border Protection, United States Immigration and Customs Enforcement, and the Coast Guard to participating State, local, and regional fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.

(2) Border intelligence products

When performing the responsibilities described in subsection (d), officers and intelligence analysts assigned to participating State, local, and regional fusion centers under this section shall have, as a primary responsibility, the creation of border intelligence products that—

(A) assist State, local, and tribal law enforcement agencies in deploying their resources most efficiently to help detect and interdict terrorists, weapons of mass destruction, and related contraband at land or maritime borders of the United States;

(B) promote more consistent and timely sharing of border security-relevant information among jurisdictions along land or maritime borders of the United States; and

(C) enhance the Department's situational awareness of the threat of acts of terrorism at or involving the land or maritime borders of the United States.

(f) Database access

In order to fulfill the objectives described under subsection (d), each officer or intelligence analyst assigned to a fusion center under this section shall have appropriate access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

(g) Consumer feedback

(1) In general

The Secretary shall create a voluntary mechanism for any State, local, or tribal law enforcement officer or other emergency response provider who is a consumer of the intelligence or other information products referred to in subsection (d) to provide feedback to the Department on the quality and utility of such intelligence products.

(2) Report

Not later than one year after August 3, 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security

and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes a description of the consumer feedback obtained under paragraph (1) and, if applicable, how the Department has adjusted its production of intelligence products in response to that consumer feedback.

(h) Rule of construction

(1) In general

The authorities granted under this section shall supplement the authorities granted under section 121(d) of this title and nothing in this section shall be construed to abrogate the authorities granted under section 121(d) of this title.

(2) Participation

Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

(i) Guidelines

The Secretary, in consultation with the Attorney General, shall establish guidelines for fusion centers created and operated by State and local governments, to include standards that any such fusion center shall—

(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

(2) create a representative governance structure that includes law enforcement officers and other emergency response providers and, as appropriate, the private sector;

(3) create a collaborative environment for the sharing of intelligence and information among Federal, State, local, and tribal government agencies (including law enforcement officers and other emergency response providers), the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

(4) leverage the databases, systems, and networks available from public and private sector entities, in accordance with all applicable laws, to maximize information sharing;

(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

(6) provide, in coordination with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, appropriate privacy and civil liberties training for all State, local, tribal, and private sector representatives at the fusion center;

(7) ensure appropriate security measures are in place for the facility, data, and personnel;

(8) select and train personnel based on the needs, mission, goals, and functions of that fusion center;

(9) offer a variety of intelligence and information services and products to recipients of fusion center intelligence and information; and

(10) incorporate law enforcement officers, other emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process, consistent with the mission statement developed under paragraph (1), either through full time representatives or liaison relationships with the fusion center to enable the receipt and sharing of information and intelligence.

(j) Fusion center information sharing strategy

Not later than 1 year after March 2, 2020, and not less frequently than once every 5 years thereafter, the Secretary shall develop or update a strategy for Department engagement with fusion centers. Such strategy shall be developed and updated in consultation with the heads of intelligence components of the Department, the Chief Privacy Officer, the Officer for Civil Rights and Civil Liberties, officials of fusion centers, officers designated as Homeland Security Advisors, and the heads of other relevant agencies, as appropriate. Such strategy shall include the following:

(1) Specific goals and objectives for sharing information and engaging with fusion centers—

(A) through the direct deployment of personnel from intelligence components of the Department;

(B) through the use of Department unclassified and classified information sharing systems, including the Homeland Security Information Network and the Homeland Secure Data Network, or any successor systems; and

(C) through any additional means.

(2) The performance metrics to be used to measure success in achieving the goals and objectives referred to in paragraph (1).

(3) A 5-year plan for continued engagement with fusion centers.

(k) Definitions

In this section—

(1) the term “fusion center” means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

(2) the term “information sharing environment” means the information sharing environment established under section 485 of this title;

(3) the term “intelligence analyst” means an individual who regularly advises, administers, supervises, or performs work in the collection, gathering, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

(4) the term “intelligence-led policing” means the collection and analysis of information to produce an intelligence end product de-

signed to inform law enforcement decision making at the tactical and strategic levels; and

(5) the term “terrorism information” has the meaning given that term in section 485 of this title.

(l) Authorization of appropriations

There is authorized to be appropriated \$10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, except for subsection (i), including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.

(Pub. L. 107-296, title II, §210A, as added Pub. L. 110-53, title V, §511(a), Aug. 3, 2007, 121 Stat. 317; amended Pub. L. 115-278, §2(g)(2)(F), Nov. 16, 2018, 132 Stat. 4177; Pub. L. 116-116, §2, Mar. 2, 2020, 134 Stat. 110.)

Editorial Notes

AMENDMENTS

2020—Subsecs. (j) to (l). Pub. L. 116-116 added subsec. (j) and redesignated former subsecs. (j) and (k) as (k) and (l), respectively.

2018—Subsec. (c)(2)(B). Pub. L. 115-278 substituted “Cybersecurity and Infrastructure Security Agency” for “Office of Infrastructure Protection”.

Statutory Notes and Related Subsidiaries

**OFFICE OF INTELLIGENCE AND ANALYSIS FIELD
PERSONNEL SUPPORT TO FUSION CENTERS**

Pub. L. 116-116, §3, Mar. 2, 2020, 134 Stat. 111, provided that:

“(a) PERFORMANCE METRICS.—Not later than 180 days after the date of the enactment of this Act [Mar. 2, 2020], the Under Secretary for Intelligence and Analysis shall—

“(1) consider the effectiveness of existing processes to identify and prepare field personnel for deployment to support fusion centers and internal mechanisms to ensure oversight and accountability of such field personnel, including field personnel assigned to one center and field personnel assigned to multiple centers; and

“(2) publish and disseminate performance metrics, taking into account, as appropriate, regional and threat diversity, for—

“(A) field personnel from the Office of Intelligence and Analysis assigned to an individual fusion center;

“(B) field personnel from the Office of Intelligence and Analysis assigned to multiple fusion centers; and

“(C) Regional Directors of the Office of Intelligence and Analysis to ensure accountability for monitoring all field personnel under the supervision of such Regional Directors.

“(b) TRAINING.—In consultation with the Chief Information Officer, the Under Secretary for Intelligence and Analysis shall develop and implement a formalized training module for fusion center personnel regarding the classified Homeland Secure Data Network, or any successor system.

“(c) FUSION CENTER DEFINED.—In this section, the term ‘fusion center’ has the meaning given such term in section 210A(k) of the Homeland Security Act of 2002 [6 U.S.C. 124h(k)], as so redesignated by section 2 [amending this section].”

TRAINING FOR PREDEPLOYED OFFICERS AND ANALYSTS

Pub. L. 110-53, title V, §511(b), Aug. 3, 2007, 121 Stat. 323, provided that: “An officer or analyst assigned to a

fusion center by the Secretary of Homeland Security before the date of the enactment of this Act [Aug. 3, 2007] shall undergo the training described in section 210A(c)(4)(A) of the Homeland Security Act of 2002 [6 U.S.C. 124h(c)(4)(A)], as added by subsection (a), by not later than 6 months after such date.”

§ 124h-1. Threat information sharing

(a) Prioritization

The Secretary of Homeland Security shall prioritize the assignment of officers and intelligence analysts under section 124h of this title from the Transportation Security Administration and, as appropriate, from the Office of Intelligence and Analysis of the Department of Homeland Security, to locations with participating State, local, and regional fusion centers in jurisdictions with a high-risk surface transportation asset in order to enhance the security of such assets, including by improving timely sharing, in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, of information regarding threats of terrorism and other threats, including targeted violence.

(b) Intelligence products

Officers and intelligence analysts assigned to locations with participating State, local, and regional fusion centers under this section shall participate in the generation and dissemination of transportation security intelligence products, with an emphasis on such products that relate to threats of terrorism and other threats, including targeted violence, to surface transportation assets that—

- (1) assist State, local, and Tribal law enforcement agencies in deploying their resources, including personnel, most efficiently to help detect, prevent, investigate, apprehend, and respond to such threats;
- (2) promote more consistent and timely sharing with and among jurisdictions of threat information; and
- (3) enhance the Department of Homeland Security’s situational awareness of such threats.

(c) Clearances

The Secretary of Homeland Security shall make available to appropriate owners and operators of surface transportation assets, and to any other person that the Secretary determines appropriate to foster greater sharing of classified information relating to threats of terrorism and other threats, including targeted violence, to surface transportation assets, the process of application for security clearances under Executive Order No. 13549 (75 Fed. Reg. 162;¹ relating to a classified national security information program) or any successor Executive order.

(d) Report to Congress

Not later than one year after December 27, 2021, the Secretary 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 that includes a detailed description of the measures used to ensure privacy rights, civil rights, and civil liberties protections in carrying out this section.

¹ So in original. Probably should be “51609;”.

(e) GAO report

Not later than two years after December 27, 2021, the Comptroller General of the United States 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 review of the implementation of this section, including an assessment of the measures used to ensure privacy rights, civil rights, and civil liberties protections, and any recommendations to improve this implementation, together with any recommendations to improve information sharing with State, local, Tribal, territorial, and private sector entities to prevent, identify, and respond to threats of terrorism and other threats, including targeted violence, to surface transportation assets.

(f) Definitions

In this section:

(1) The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1131(5) of this title);

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1151(4) of this title); or

(ii) a bus terminal; or

(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(2) The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.

(3) The term “terrorism” means the terms—

(A) domestic terrorism (as such term is defined in section 2331(5) of title 18, United States Code); and

(B) international terrorism (as such term is defined in section 2331(1) of title 18).

(Pub. L. 117–81, div. F, title LXIV, §6418, Dec. 27, 2021, 135 Stat. 2415.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13549, referred to in subsec. (c), is Ex. Ord. No. 13549, Aug. 18, 2010, 75 F.R. 51609, which is set out as a note under section 3161 of Title 50, War and National Defense.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the Homeland Security Act of 2002 which comprises this chapter.