

Calendar No. 642

115TH CONGRESS
2D SESSION**H. R. 5079****[Report No. 115–355]**

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2018

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

NOVEMBER 13, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Homeland Security Act of 2002 to require
the Department of Homeland Security to develop an
engagement strategy with 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 “DHS Field Engage-
5 ment Accountability Act”.

1 **SEC. 2. ENGAGEMENT STRATEGY WITH FUSION CENTERS.**

2 Section 210A of the Homeland Security Act of 2002
3 (6 U.S.C. 124h) is amended by—

4 (1) redesigning subsections (j) and (k) as sub-
5 sections (k) and (l), respectively; and

6 (2) inserting after subsection (i) the following
7 new subsection:

8 “(j) FUSION CENTER INFORMATION SHARING
9 STRATEGY.—Not later than 1 year after the date of the
10 enactment of this subsection, the Secretary shall develop
11 and update at least once every 5 years a strategy for De-
12 partment engagement with fusion centers. Such strategy
13 shall be developed and updated in consultation with the
14 heads of intelligence components of the Department, the
15 Chief Privacy Officer of the Department, the Officer for
16 Civil Rights and Civil Liberties of the Department, offi-
17 cials of fusion centers, officers designated as Homeland
18 Security Advisors, and the heads of other relevant agen-
19 cies, as appropriate. Such strategy shall include the fol-
20 lowing:

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

23 “(A) through the direct deployment of per-
24 sonnel from intelligence components of the De-
25 partment;

“(B) through the use of Department unclassified and classified information sharing systems, including the Homeland Security Information Sharing 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.”.

SEC. 3. OFFICE OF INTELLIGENCE AND ANALYSIS FIELD PERSONNEL SUPPORT TO FUSION CENTERS.

(a) **PERFORMANCE METRICS.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security 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

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

4 (A) field personnel from the Office of In-
5 telligence and Analysis assigned to an indi-
6 vidual fusion center;

7 (B) field personnel from the Office of In-
8 telligence and Analysis assigned to multiple fu-
9 sion centers; and

10 (C) regional Directors of the Office of In-
11 telligence and Analysis to ensure accountability
12 for monitoring all field personnel under the su-
13 pervision of such Regional Directors.

14 (b) TRAINING.—In consultation with the Chief Infor-
15 mation Officer of the Department of Homeland Security,
16 the Under Secretary for Intelligence and Analysis of the
17 Department shall develop and implement a formalized
18 training module for fusion center personnel regarding the
19 classified Homeland Secure Data Network of the Depart-
20 ment, or any successor system.

21 (c) FUSION CENTER DEFINED.—In this section, the
22 term “fusion center” has the meaning given such term in
23 section 210A of the Homeland Security Act of 2002 (6
24 U.S.C. 124h).

1 **SEC. 4. DHS COMPONENT USAGE OF THE HOMELAND SECUR-**
2 **RITY INFORMATION NETWORK.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Chief Intelligence
5 Officer of the Department of Homeland Security, in con-
6 sultation with the Chief Information Officer of the Depart-
7 ment, shall—

8 (1) develop policies and metrics to ensure effec-
9 tive use by components of the Department of the
10 Department's unclassified Homeland Security Infor-
11 mation Sharing Network, or any successor system;
12 and

13 (2) develop policies for posting unclassified
14 products on the Homeland Security Information
15 Sharing Network, or any successor system.

16 (b) TECHNICAL ENHANCEMENTS.—The Chief Infor-
17 mation Officer of the Department of Homeland Security,
18 in consultation with the Chief Intelligence Officer of the
19 Department, shall assess and implement, as appropriate,
20 technical enhancements to the Homeland Security Infor-
21 mation Sharing Network (HSIN) to improve usability, in-
22 cluding search functionality, data analysis, and collabora-
23 tion capabilities.

24 **SEC. 5. REPORT.**

25 Not later than 18 months after the date of the enact-
26 ment of this Act, the Secretary of Homeland Security shall

1 submit to the Committee on Homeland Security and the
 2 Permanent Select Committee on Intelligence of the House
 3 of Representatives and the Committee on Homeland Secu-
 4 rity and Governmental Affairs and the Select Committee
 5 on Intelligence of the Senate a report on the implementa-
 6 tion of the following:

7 (1) The fusion center information sharing strat-
 8 egy required under subsection (j) of section 210A of
 9 the Homeland Security Act of 2002 (6 U.S.C.
 10 124h), as added by section 2 of this Act, based on
 11 performance metrics developed pursuant to such
 12 strategy.

13 (2) Field personnel deployed to fusion centers
 14 (as such term is defined in section 210A of the
 15 Homeland Security Act of 2002 (6 U.S.C. 124h)) in
 16 accordance with section 3, based on performance
 17 metrics developed pursuant to such section.

18 (3) Policies that seek to ensure the effective use
 19 of the Homeland Security Information Sharing Net-
 20 work in accordance with section 4, based on the
 21 metrics developed pursuant to such section.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “DHS Field Engagement*
 24 *Accountability Act”.*

1 **SEC. 2. ENGAGEMENT STRATEGY WITH FUSION CENTERS.**

2 *Section 210A of the Homeland Security Act of 2002*
 3 *(6 U.S.C. 124h) is amended by—*

4 *(1) redesigning subsections (j) and (k) as sub-*
 5 *sections (k) and (l), respectively; and*

6 *(2) inserting after subsection (i) the following:*

7 *“(j) FUSION CENTER INFORMATION SHARING STRAT-*
 8 *EGY.—Not later than 1 year after the date of the enactment*
 9 *of this subsection, and not less frequently than once every*
 10 *5 years thereafter, the Secretary shall develop or update a*
 11 *strategy for Department engagement with fusion centers.*
 12 *Such strategy shall be developed and updated in consulta-*
 13 *tion with the heads of intelligence components of the De-*
 14 *partment, the Chief Privacy Officer, the Officer for Civil*
 15 *Rights and Civil Liberties, officials of fusion centers, offi-*
 16 *cers designated as Homeland Security Advisors, and the*
 17 *heads of other relevant agencies, as appropriate. Such strat-*
 18 *egy shall include the following:*

19 *“(1) Specific goals and objectives for sharing in-*
 20 *formation and engaging with fusion centers—*

21 *“(A) through the direct deployment of per-*
 22 *sonnel from intelligence components of the De-*
 23 *partment;*

24 *“(B) through the use of Department unclas-*
 25 *sified and classified information sharing sys-*
 26 *tems, including the Homeland Security Informa-*

1 *tion Network and the Homeland Secure Data*
 2 *Network, or any successor systems; and*

3 *“(C) through any additional means.*

4 *“(2) The performance metrics to be used to meas-*
 5 *ure success in achieving the goals and objectives re-*
 6 *ferred to in paragraph (1).*

7 *“(3) A 5-year plan for continued engagement*
 8 *with fusion centers.”.*

9 **SEC. 3. OFFICE OF INTELLIGENCE AND ANALYSIS FIELD**
 10 **PERSONNEL SUPPORT TO FUSION CENTERS.**

11 *(a) PERFORMANCE METRICS.—Not later than 180*
 12 *days after the date of the enactment of this Act, the Under*
 13 *Secretary for Intelligence and Analysis shall—*

14 *(1) consider the effectiveness of existing processes*
 15 *to identify and prepare field personnel for deployment*
 16 *to support fusion centers and internal mechanisms to*
 17 *ensure oversight and accountability of such field per-*
 18 *sonnel, including field personnel assigned to one cen-*
 19 *ter and field personnel assigned to multiple centers;*
 20 *and*

21 *(2) publish and disseminate performance*
 22 *metrics, taking into account, as appropriate, regional*
 23 *and threat diversity, for—*

1 (A) field personnel from the Office of Intel-
 2 ligence and Analysis assigned to an individual
 3 fusion center;

4 (B) field personnel from the Office of Intel-
 5 ligence and Analysis assigned to multiple fusion
 6 centers; and

7 (C) Regional Directors of the Office of Intel-
 8 ligence and Analysis to ensure accountability for
 9 monitoring all field personnel under the super-
 10 vision of such Regional Directors.

11 (b) *TRAINING.*—In consultation with the Chief Infor-
 12 mation Officer, the Under Secretary for Intelligence and
 13 Analysis shall develop and implement a formalized training
 14 module for fusion center personnel regarding the classified
 15 Homeland Secure Data Network, or any successor system.

16 (c) *FUSION CENTER DEFINED.*—In this section, the
 17 term “fusion center” has the meaning given such term in
 18 section 210A(k) of the Homeland Security Act of 2002, as
 19 redesignated by section 2.

20 **SEC. 4. DHS COMPONENT USAGE OF THE HOMELAND SECU-**
 21 **RITY INFORMATION NETWORK.**

22 (a) *IN GENERAL.*—Not later than 180 days after the
 23 date of the enactment of this Act, the Chief Information Of-
 24 ficer, in consultation with the Under Secretary for Intel-
 25 ligence and Analysis, and in accordance with the functions

1 *and responsibilities assigned to the Under Secretary under*
2 *title II of the Homeland Security Act of 2002 (6 U.S.C.*
3 *121 et seq.), shall—*

4 *(1) develop policies and metrics to ensure effec-*
5 *tive use by components of the Department of the un-*
6 *classified Homeland Security Information Network*
7 *(referred to in this section as “HSIN”), or any suc-*
8 *cessor system; and*

9 *(2) develop policies for posting unclassified prod-*
10 *ucts on HSIN, or any successor system.*

11 *(b) TECHNICAL ENHANCEMENTS.—The Chief Informa-*
12 *tion Officer, in consultation with the Chief Intelligence Offi-*
13 *cer, shall assess and implement, as appropriate, technical*
14 *enhancements to HSIN to improve usability, including*
15 *search functionality, data analysis, and collaboration capa-*
16 *bilities.*

17 **SEC. 5. REPORT.**

18 *Not later than 18 months after the date of the enact-*
19 *ment of this Act, the Secretary of Homeland Security shall*
20 *submit a report to the Committee on Homeland Security*
21 *and Governmental Affairs of the Senate, the Select Com-*
22 *mittee on Intelligence of the Senate, the Committee on*
23 *Homeland Security of the House of Representatives, and*
24 *the Permanent Select Committee on Intelligence of the*

1 *House of Representatives that describes the implementation*
2 *of—*

3 (1) *the fusion center information sharing strat-*
4 *egy required under section 210A(j) of the Homeland*
5 *Security Act of 2002, as added by section 2, based on*
6 *performance metrics developed pursuant to such strat-*
7 *egy;*

8 (2) *the deployment of field personnel to fusion*
9 *centers (as such term is defined in section 210A of the*
10 *Homeland Security Act of 2002 (6 U.S.C. 124h)), in*
11 *accordance with section 3, based on performance*
12 *metrics developed pursuant to such section; and*

13 (3) *policies that seek to ensure the effective use*
14 *of the Homeland Security Information Network, in*
15 *accordance with section 4, based on the metrics devel-*
16 *oped pursuant to such section.*

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