

115TH CONGRESS
1ST SESSION

H. R. 678

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

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

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.