

Calendar No. 665

115TH CONGRESS
2^D SESSION

S. 2397

[Report No. 115–380]

To direct the Secretary of Homeland Security to establish a data framework to provide access for appropriate personnel to law enforcement and other information of the Department, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2018

Ms. HASSAN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 26, 2018

Reported by Mr. JOHNSON, with an amendment

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

A BILL

To direct the Secretary of Homeland Security to establish a data framework to provide access for appropriate personnel to law enforcement and other information of the Department, 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 Data Framework Act of 2018”.

4 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY DATA**
5 **FRAMEWORK.**

6 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
7 rity shall develop a data framework to integrate existing
8 Department of Homeland Security datasets and systems,
9 as appropriate, for access by authorized personnel in a
10 manner consistent with relevant legal authorities and pri-
11 vacy, civil rights, and civil liberties policies and protec-
12 tions. In developing such framework, the Secretary shall
13 ensure, in accordance with all applicable statutory and
14 regulatory requirements, the following information is in-
15 cluded:

16 (1) All information acquired, held, or obtained
17 by an office or component of the Department that
18 falls within the scope of the information sharing en-
19 vironment, including homeland security information,
20 terrorism information, weapons of mass destruction
21 information, and national intelligence.

22 (2) Any information or intelligence relevant to
23 priority mission needs and capability requirements of
24 the homeland security enterprise, as determined ap-
25 propriate by the Secretary.

26 (b) **DATA FRAMEWORK ACCESS.**—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security shall ensure that the data framework re-
3 quired under this section is accessible to employees
4 of the Department of Homeland Security who the
5 Secretary determines—

6 (A) have an appropriate security clearance;

7 (B) are assigned to perform a function
8 that requires access to information in such
9 framework; and

10 (C) are trained in applicable standards for
11 safeguarding and using such information.

12 (2) GUIDANCE.—The Secretary of Homeland
13 Security shall—

14 (A) issue guidance for Department of
15 Homeland Security employees authorized to ac-
16 cess and contribute to the data framework pur-
17 suant to paragraph (1); and

18 (B) ensure that such guidance enforces a
19 duty to share between offices and components
20 of the Department when accessing or contrib-
21 uting to such framework for mission needs.

22 (3) EFFICIENCY.—The Secretary of Homeland
23 Security shall promulgate data standards and in-
24 struct components of the Department of Homeland
25 Security to make available information through the

1 data framework under this section in a machine-
2 readable format, to the greatest extent practicable.

3 ~~(c) EXCLUSION OF INFORMATION.—~~The Secretary of
4 Homeland Security may exclude from the data framework
5 information that the Secretary determines access to or the
6 confirmation of the existence of could—

7 (1) jeopardize the protection of sources, meth-
8 ods, or activities;

9 (2) compromise a criminal or national security
10 investigation;

11 (3) be inconsistent with the other Federal laws
12 or regulations; or

13 (4) be duplicative or not serve an operational
14 purpose if included in such framework.

15 ~~(d) SAFEGUARDS.—~~The Secretary of Homeland Se-
16 curity shall incorporate into the data framework systems
17 capabilities for auditing and ensuring the security of infor-
18 mation included in such framework. Such capabilities shall
19 include the following:

20 (1) Mechanisms for identifying insider threats.

21 (2) Mechanisms for identifying security risks.

22 (3) Safeguards for privacy, civil rights, and civil
23 liberties.

24 ~~(e) DEADLINE FOR IMPLEMENTATION.—~~Not later
25 than 2 years after the date of the enactment of this Act,

1 the Secretary of Homeland Security shall ensure the data
 2 framework required under this section has the ability to
 3 include the information described in subsection (a).

4 (f) NOTICE TO CONGRESS.—

5 (1) STATUS UPDATES.—The Secretary of
 6 Homeland Security shall submit to the appropriate
 7 congressional committees regular updates on the sta-
 8 tus of the data framework required under this sec-
 9 tion until the date on which such data framework is
 10 fully operational.

11 (2) OPERATIONAL NOTIFICATION.—Not later
 12 than 60 days after the date on which the data
 13 framework required under this section is fully oper-
 14 ational, the Secretary of Homeland Security shall
 15 provide notice to the appropriate congressional com-
 16 mittees of such.

17 (g) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COM-
 19 MITTEE.—The term “appropriate congressional com-
 20 mittee” has the meaning given the term in section
 21 2 of the Homeland Security Act of 2002 (6 U.S.C.
 22 101).

23 (2) NATIONAL INTELLIGENCE.—The term “na-
 24 tional intelligence” has the meaning given the term

1 in section 3(5) of the National Security Act of 1947
 2 (50 U.S.C. 3003(5)).

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Department of Home-*
 5 *land Security Data Framework Act of 2018”.*

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY DATA**
 7 **FRAMEWORK.**

8 (a) *IN GENERAL.*—

9 (1) *DEVELOPMENT.*—*The Secretary of Homeland*
 10 *Security shall develop a data framework to integrate*
 11 *existing Department of Homeland Security datasets*
 12 *and systems, as appropriate, for access by authorized*
 13 *personnel in a manner consistent with relevant legal*
 14 *authorities and privacy, civil rights, and civil lib-*
 15 *erties policies and protections.*

16 (2) *REQUIREMENTS.*—*In developing the frame-*
 17 *work required under paragraph (1), the Secretary of*
 18 *Homeland Security shall ensure, in accordance with*
 19 *all applicable statutory and regulatory requirements,*
 20 *the following information is included:*

21 (A) *All information acquired, held, or ob-*
 22 *tained by an office or component of the Depart-*
 23 *ment of Homeland Security that falls within the*
 24 *scope of the information sharing environment,*
 25 *including homeland security information, ter-*

1 *rorism information, weapons of mass destruction*
 2 *information, and national intelligence.*

3 *(B) Any information or intelligence rel-*
 4 *evant to priority mission needs and capability*
 5 *requirements of the homeland security enterprise,*
 6 *as determined appropriate by the Secretary.*

7 *(b) DATA FRAMEWORK ACCESS.—*

8 *(1) IN GENERAL.—The Secretary of Homeland*
 9 *Security shall ensure that the data framework re-*
 10 *quired under this section is accessible to employees of*
 11 *the Department of Homeland Security who the Sec-*
 12 *retary determines—*

13 *(A) have an appropriate security clearance;*

14 *(B) are assigned to perform a function that*
 15 *requires access to information in such frame-*
 16 *work; and*

17 *(C) are trained in applicable standards for*
 18 *safeguarding and using such information.*

19 *(2) GUIDANCE.—The Secretary of Homeland Se-*
 20 *curity shall—*

21 *(A) issue guidance for Department of*
 22 *Homeland Security employees authorized to ac-*
 23 *cess and contribute to the data framework pursu-*
 24 *ant to paragraph (1); and*

1 (B) ensure that such guidance enforces a
 2 duty to share between offices and components of
 3 the Department when accessing or contributing
 4 to such framework for mission needs.

5 (3) *EFFICIENCY.*—The Secretary of Homeland
 6 Security shall promulgate data standards and in-
 7 struct components of the Department of Homeland
 8 Security to make available information through the
 9 data framework required under this section in a ma-
 10 chine-readable standard format, to the greatest extent
 11 practicable.

12 (c) *EXCLUSION OF INFORMATION.*—The Secretary of
 13 Homeland Security may exclude information from the data
 14 framework required under this section if the Secretary de-
 15 termines inclusion of such information may—

16 (1) jeopardize the protection of sources, methods,
 17 or activities;

18 (2) compromise a criminal or national security
 19 investigation;

20 (3) be inconsistent with other Federal laws or
 21 regulations; or

22 (4) be duplicative or not serve an operational
 23 purpose if included in such framework.

24 (d) *SAFEGUARDS.*—The Secretary of Homeland Secu-
 25 rity shall incorporate into the data framework required

1 *under this section systems capabilities for auditing and en-*
 2 *surging the security of information included in such frame-*
 3 *work. Such capabilities shall include the following:*

4 *(1) Mechanisms for identifying insider threats.*

5 *(2) Mechanisms for identifying security risks.*

6 *(3) Safeguards for privacy, civil rights, and civil*
 7 *liberties.*

8 *(e) DEADLINE FOR IMPLEMENTATION.—Not later than*
 9 *2 years after the date of enactment of this Act, the Secretary*
 10 *of Homeland Security shall ensure the data framework re-*
 11 *quired under this section has the ability to include appro-*
 12 *priate information in existence within the Department of*
 13 *Homeland Security to meet the critical mission operations*
 14 *of the Department of Homeland Security.*

15 *(f) NOTICE TO CONGRESS.—*

16 *(1) STATUS UPDATES.—The Secretary of Home-*
 17 *land Security shall submit to the appropriate con-*
 18 *gressional committees regular updates on the status of*
 19 *the data framework until the framework is fully oper-*
 20 *ational.*

21 *(2) OPERATIONAL NOTIFICATION.—Not later*
 22 *than 60 days after the date on which the data frame-*
 23 *work required under this section is fully operational,*
 24 *the Secretary of Homeland Security shall provide no-*

1 *tice to the appropriate congressional committees that*
 2 *the data framework is fully operational.*

3 (3) *VALUE ADDED.*—*The Secretary of Homeland*
 4 *Security shall annually brief Congress on component*
 5 *use of the data framework required under this section*
 6 *to support operations that disrupt terrorist activities*
 7 *and incidents in the homeland.*

8 (g) *DEFINITIONS.*—*In this section:*

9 (1) *APPROPRIATE CONGRESSIONAL COMMITTEE;*
 10 *HOMELAND.*—*The terms “appropriate congressional*
 11 *committee” and “homeland” have the meaning given*
 12 *those terms in section 2 of the Homeland Security Act*
 13 *of 2002 (6 U.S.C. 101).*

14 (2) *HOMELAND SECURITY INFORMATION.*—*The*
 15 *term “homeland security information” has the mean-*
 16 *ing given such term in section 892 of the Homeland*
 17 *Security Act of 2002 (6 U.S.C. 482).*

18 (3) *NATIONAL INTELLIGENCE.*—*The term “na-*
 19 *tional intelligence” has the meaning given such term*
 20 *in section 3(5) of the National Security Act of 1947*
 21 *(50 U.S.C. 3003(5)).*

22 (4) *TERRORISM INFORMATION.*—*The term “ter-*
 23 *rorism information” has the meaning given such term*
 24 *in section 1016 of the Intelligence Reform and Ter-*
 25 *rorism Prevention Act of 2004 (6 U.S.C. 485).*

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