

116TH CONGRESS
1ST SESSION

S. 265

To develop a national strategy to prevent targeted violence through behavioral threat assessment and management, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2019

Mr. RUBIO (for himself, Ms. SINEMA, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To develop a national strategy to prevent targeted violence through behavioral threat assessment and management, 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 “Threat Assessment,
5 Prevention, and Safety Act of 2019”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) incidents of targeted violence are impacting
9 our Nation frequently and indiscriminately;

1 (2) a collaborative, multi-disciplinary, and
2 multi-jurisdictional behavioral threat assessment and
3 management process on a Federal, State, local, and
4 Tribal level complements the development of better
5 methods for strategically preventing targeted vio-
6 lence in communities, including schools;

7 (3) the United States has the capability to rap-
8 idly develop behavioral threat assessment and man-
9 agement guidelines and best practices;

10 (4) the United States should encourage the
11 sharing of such guidelines and best practices for
12 streamlined and cohesive use across the United
13 States;

14 (5) establishing such guidelines and best prac-
15 tices is an important step toward preventing tar-
16 geted violence;

17 (6) such guidelines and best practices should
18 account for different needs of communities across
19 the United States; and

20 (7) it is in the national security interest of the
21 United States to develop such guidelines and best
22 practices.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) APPROPRIATE COMMITTEES OF CON-
 2 GRESS.—The term “appropriate committees of Con-
 3 gress” means the Committee on Appropriations, the
 4 Committee on Homeland Security and the Com-
 5 mittee on the Judiciary of the House of Representa-
 6 tives and the Committee on Appropriations, the
 7 Committee on Homeland Security and Governmental
 8 Affairs, and the Committee on the Judiciary of the
 9 Senate.

10 (2) BEHAVIORAL THREAT ASSESSMENT AND
 11 MANAGEMENT.—The term “behavioral threat assess-
 12 ment and management” means the systematic and
 13 evidence-based process of—

14 (A) identifying individuals who are exhib-
 15 iting patterns of concerning behavior that indi-
 16 cate an interest, motive, intention, or capability
 17 of carrying out an act of violence;

18 (B) investigating and gathering informa-
 19 tion from multiple sources to assess whether an
 20 individual described in subparagraph (A) poses
 21 a threat, based on articulable facts; and

22 (C) the subsequent management of such a
 23 threat, if necessary.

24 (3) DEFINITIONS RELATED TO CERTAIN EDU-
 25 CATIONAL TERMS.—The terms “early childhood edu-

1 cation program”, “elementary school”, “local edu-
 2 cational agency”, “secondary school”, and “State
 3 educational agency” have the meanings given those
 4 terms in section 8101 of the Elementary and Sec-
 5 ondary Education Act of 1965 (20 U.S.C. 7801).

6 (4) EDUCATIONAL ENTITIES.—The term “edu-
 7 cational entities” means—

8 (A) a State educational agency;

9 (B) a local educational agency;

10 (C) an institution of higher education;

11 (D) an elementary school or secondary
 12 school;

13 (E) an early childhood education program;

14 or

15 (F) a postsecondary vocational institution.

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

20 (6) INSTITUTION OF HIGHER EDUCATION.—The
 21 term “institution of higher education” has the
 22 meaning given the term in section 101 of the Higher
 23 Education Act of 1965 (20 U.S.C. 1001).

24 (7) MENTAL HEALTH SERVICE PROFES-
 25 SIONAL.—The term “mental health service profes-

sional” has the meaning given the term in section 799B of the Public Health Service Act (42 U.S.C. 295p).

(8) NONGOVERNMENTAL ORGANIZATION.—The term “nongovernmental organization” means an organization that is not a Federal, State, or local governmental agency.

(9) POSTSECONDARY VOCATIONAL INSTITUTION.—The term “postsecondary vocational institution” has the meaning given such term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(10) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(11) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(12) TARGETED VIOLENCE.—The term “targeted violence” means any incident of predatory violence with respect to which an identifiable individual or group focuses an attack on a particular target.

1 **SEC. 4. ESTABLISHMENT OF A JOINT BEHAVIORAL THREAT**
2 **ASSESSMENT AND MANAGEMENT TASK**
3 **FORCE.**

4 (a) IN GENERAL.—Not later than 30 days after the
5 date of enactment of this Act, the Secretary shall establish
6 within the Department of Homeland Security a Joint Be-
7 havioral Threat Assessment and Management Task Force
8 (referred to in this Act as the “Task Force”).

9 (b) DEVELOPMENT OF NATIONAL STRATEGY.—

10 (1) IN GENERAL.—It shall be the duty of the
11 Task Force to provide recommendations to the ap-
12 propriate committees of Congress and the Secretary
13 on the development and implementation of a na-
14 tional strategy for preventing targeted violence
15 through behavioral threat assessment and manage-
16 ment (referred to in this Act as the “national strat-
17 egy”).

18 (2) REQUIREMENT.—In developing the national
19 strategy required under paragraph (1), the Task
20 Force shall take into account the different needs of
21 communities across the United States.

22 (3) RULE OF CONSTRUCTION.—The national
23 strategy developed under this subsection shall not be
24 construed to be a national standard.

25 (c) MEMBERSHIP.—

26 (1) COMPOSITION.—

1 (A) IN GENERAL.—The Task Force shall
2 be composed of not more than 24 members as
3 follows:

4 (i) The Secretary or a designee with a
5 position classified at GS–15 or above.

6 (ii) Not more than 2 representatives
7 of a nongovernmental organization that is
8 determined by the Secretary to have exper-
9 tise in behavioral threat assessment and
10 management.

11 (iii) Not more than 2 mental health
12 service professionals with clinical experi-
13 ence who are determined by the Secretary
14 to have expertise in behavioral threat as-
15 sessment and management.

16 (iv) One State or local prosecutor who
17 is determined by the Secretary to have ex-
18 pertise in behavioral threat assessment and
19 management.

20 (v) Not more than 2 representatives
21 from an educational entity who are deter-
22 mined by the Secretary to have expertise in
23 behavioral threat assessment and manage-
24 ment.

1 (vi) Not more than 2 representatives
2 from local behavioral threat assessment
3 and management units who are determined
4 by the Secretary to have expertise in be-
5 havioral threat assessment and manage-
6 ment.

7 (vii) Not more than 2 representatives
8 from State behavioral threat assessment
9 and management units who are determined
10 by the Secretary to have expertise in be-
11 havioral threat assessment and manage-
12 ment.

13 (viii) One expert in behavioral threat
14 assessment and management appointed by
15 the head of each of the following entities:

16 (I) The National Threat Assess-
17 ment Center of the United States Se-
18 cret Service.

19 (II) The Protective Intelligence
20 and Assessment Division of the
21 United States Secret Service.

22 (III) The Behavioral Analysis
23 Unit-1 of the Critical Incident Re-
24 sponse Group of the Federal Bureau
25 of Investigation.

1 (IV) The Joint Terrorism Task
2 Force of the Federal Bureau of Inves-
3 tigation.

4 (V) The Office of Protective In-
5 telligence of the United States Mar-
6 shals Service of the Department of
7 Justice.

8 (VI) The Office on Violence
9 Against Women of the Department of
10 Justice.

11 (VII) The Naval Criminal Inves-
12 tigative Service of the Department of
13 the Navy.

14 (VIII) The Threat Assessment
15 Section of the United States Capitol
16 Police.

17 (IX) The Department of Edu-
18 cation.

19 (X) The Department of Health
20 and Human Services.

21 (XI) The Department of Vet-
22 erans Affairs.

23 (XII) The Office of Protective
24 Intelligence Investigations of the Dip-

1 diplomatic Security Service of the De-
2 partment of State.

3 (B) REPRESENTATION.—If a member of
4 the Task Force has expertise in more than 1 of
5 the subject matter areas described in subpara-
6 graph (A), the member shall be considered a
7 representative of only 1 subject matter area.

8 (2) CHAIRPERSON.—The Secretary shall ap-
9 point a chairperson of the Task Force.

10 (3) CONSULTATION.—The Task Force may, as
11 the chairperson determines necessary, consult with
12 experts in behavioral threat assessment and manage-
13 ment from Federal, State, local, and Tribal govern-
14 ment agencies and private entities.

15 (4) TERM OF MEMBERSHIP.—

16 (A) TERM OF MEMBERS.—Members of the
17 Task Force shall serve until the head of the re-
18 spective entity of the member appoints a new
19 representative to the Task Force.

20 (B) TERM OF CHAIRPERSON.—The chair-
21 person shall serve until the Secretary appoints
22 a new chairperson.

23 (5) MEMBER COMPENSATION.—Members of the
24 Task Force may not receive additional pay, allow-

1 ances, or benefits by reason of their service on the
2 Task Force.

3 (d) OPERATING RULES AND PROCEDURES.—

4 (1) RULES AND PROCEDURES.—Any member of
5 the Task Force may propose to develop or change
6 existing operating rules and procedures of the Task
7 Force consistent with the functions of the Task
8 Force. Any change to such operating rules and pro-
9 cedures shall be adopted upon a majority vote of the
10 Task Force.

11 (2) FINDINGS AND SOLUTIONS.—The Task
12 Force shall adopt recommendations for the imple-
13 mentation of the national strategy only upon a ma-
14 jority vote of the Task Force.

15 (3) VOTING.—Each member of the Task Force
16 shall have one vote.

17 (4) QUORUM.—Two-thirds of the members of
18 the Task Force shall be present to constitute a
19 quorum, but a lesser number may hold meetings.

20 (e) STAFF DIRECTOR AND STAFF.—

21 (1) STAFF DIRECTOR.—The chairperson may
22 appoint a staff director, who shall be paid at a rate
23 not to exceed the rate of basic pay for level IV of
24 the Executive Schedule under section 5315 of title
25 5, United States Code.

1 (2) STAFF.—The staff director may appoint not
2 more than 3 additional staff personnel.

3 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The staff of the Task Force shall be ap-
5 pointed subject to the provisions of title 5, United
6 States Code, governing appointments in the competi-
7 tive service, and shall be paid in accordance with the
8 provisions of chapter 51 and subchapter III of chap-
9 ter 53 of that title relating to classification and Gen-
10 eral Schedule pay rates.

11 (4) EXPERTS AND CONSULTANTS.—The Task
12 Force and the staff director, acting with the ap-
13 proval of the Task Force, may procure temporary
14 and intermittent services pursuant to section
15 3109(b) of title 5, United States Code.

16 (5) STAFF OF FEDERAL AGENCIES.—Upon the
17 request of the Secretary, the head of any Federal
18 department or agency may detail, on a reimbursable
19 basis, any of the personnel of such Federal depart-
20 ment or agency to the Task Force to assist it in car-
21 rying out the duties of the Task Force under this
22 section.

23 (f) POWERS OF THE TASK FORCE.—Any member of
24 the Task Force may, if authorized by the Task Force, take

1 any action which the Task Force is authorized to take by
2 this section.

3 (g) OBTAINING OFFICIAL DATA.—Subject to applica-
4 ble privacy laws and regulations, the Task Force may se-
5 cure directly from any Federal department or agency in-
6 formation necessary to enable it to carry out the duties
7 of the Task Force under this section. Upon request of the
8 chairperson of the Task Force, the head of such Federal
9 department or agency shall furnish such information to
10 the Task Force.

11 (h) ADMINISTRATIVE SUPPORT SERVICES.—Upon
12 the request of the Task Force, the Administrator of Gen-
13 eral Services shall provide to the Task Force, on a reim-
14 bursable basis, the administrative support services nec-
15 essary for the Task Force to carry out the duties of the
16 Task Force under this section.

17 (i) CONTRACT AUTHORITY.—To the extent and in the
18 amounts made available in advance in appropriations Acts,
19 the Task Force may contract with and compensate State,
20 local, and Tribal government agencies and private entities
21 or persons for services necessary to carry out the duties
22 of the Task Force under this section.

23 (j) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Task Force shall submit to
25 the appropriate committees of Congress and the Secretary

1 a report on recommendations related to the national strat-
 2 egy, including recommendations for the development and
 3 implementation of the national strategy.

4 (k) DISSOLUTION OF TASK FORCE.—The Task Force
 5 shall terminate 180 days after the date of enactment of
 6 this Act.

7 (l) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated to carry out this section
 9 not more than \$1,000,000 for fiscal year 2020.

10 **SEC. 5. CONTENTS OF NATIONAL STRATEGY RECOMMENDA-**
 11 **TIONS.**

12 The national strategy recommendations required to
 13 be provided by the Task Force under section 4(j) shall
 14 include each of the following:

15 (1) EXISTING INFRASTRUCTURE PLANS.—Rec-
 16 ommendations relating to the most effective use of
 17 existing Federal, State, local, and Tribal infrastruc-
 18 ture, workforce, and experience, including—

19 (A) the use of personnel, communication
 20 channels, and information sharing capabilities
 21 of fusion centers; and

22 (B) a model behavioral threat assessment
 23 and management process.

24 (2) UNIT SUPPORT PROGRAM.—Recommendations
 25 relating to a Behavioral Threat Assessment

1 and Management Unit Support Program, which
2 shall—

3 (A) assist Federal, State, local, Tribal gov-
4 ernment agencies and private entities in the im-
5 plementation of community-based, multi-dis-
6 ciplinary, and multi-jurisdictional behavioral
7 threat assessment and management units;

8 (B) consult on real-world complex behav-
9 ioral threat assessment and management cases
10 or programs;

11 (C) promote coordination and information
12 sharing among Federal, State, local, and Tribal
13 government agencies and private entities with
14 protective or public safety responsibilities; and

15 (D) support collaboration between Federal,
16 State, local, and Tribal government agency be-
17 havioral threat assessment and management
18 units.

19 (3) TRAINING PROGRAM.—Recommendations
20 relating to a Behavioral Threat Assessment and
21 Management Training Program, which may train of-
22 ficers and employees of Federal, State, local, and
23 Tribal government agencies and private entities in
24 community-based, multi-disciplinary, and multi-juris-

1 dictional behavioral threat assessment and manage-
2 ment, including—

3 (A) integrated operations;

4 (B) information sharing among Federal,
5 State, local, and Tribal government agencies
6 and private entities with protective or public
7 safety responsibilities; and

8 (C) disseminating published evidence-based
9 research materials on targeted violence preven-
10 tion through behavioral threat assessment and
11 management.

12 (4) SCHOOL VIOLENCE PREVENTION PRO-
13 GRAM.—Recommendations relating to a Behavioral
14 Threat Assessment and Management School Vio-
15 lence Prevention Program for educational entities,
16 which shall—

17 (A) train and support a multi-disciplinary
18 and multi-jurisdictional behavioral threat as-
19 sessment and management process, including
20 the coordination of information sharing;

21 (B) consult on real-world complex behav-
22 ioral threat assessment and management cases
23 or programs;

(C) support collaboration between educational entity behavioral threat assessment and management units; and

(D) disseminate to educational entities published research materials on behavioral threat assessment and management and the prevention of targeted violence within educational entities.

(5) MENTAL HEALTH SERVICE PROFESSIONAL ASSESSMENT.—Recommendations relating to the involvement of mental health service professionals to collaborate, advise, and consult in a behavioral threat assessment process, as permitted under applicable Federal and State law.

SEC. 6. DEVELOPMENT OF NATIONAL STRATEGY.

(a) NATIONAL STRATEGY DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall develop a national strategy relating to behavioral threat assessment and management and consider the recommendations made by the Task Force pursuant to section 5 in the development of such strategy.

(2) REQUIREMENT.—In developing the national strategy required under paragraph (1), the Secretary shall account for diverse needs and existing resources of different communities.

1 (b) EFFECTIVE DATE.—The national strategy re-
2 quired under subsection (a) shall take effect 180 days
3 after the date of enactment of this Act, unless Congress
4 enacts a joint resolution of disapproval of the national
5 strategy during such 180-day period.

6 **SEC. 7. IMPLEMENTATION OF THE NATIONAL STRATEGY.**

7 (a) IN GENERAL.—Beginning on the date that the
8 national strategy takes effect under section 6(b), the Sec-
9 retary shall implement the national strategy and provide
10 information and training services related to the national
11 strategy at the request of any Federal, State, local, or
12 Tribal government agency or private entity with protective
13 or public safety responsibilities.

14 (b) CONSULTATION.—In implementing the national
15 strategy, the Secretary may consult with Federal, State,
16 local, and Tribal government agencies and private entities.

17 (c) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

18 (1) IN GENERAL.—The Secretary shall des-
19 ignate a senior official within the Department of
20 Homeland Security to be responsible for coordi-
21 nating the implementation of the national strategy.

22 (2) DUTIES.—The duties of the official des-
23 igned pursuant to paragraph (1) shall include the
24 following:

1 (A) Acting as a liaison between each Fed-
2 eral agency, as well as any State, local, or Trib-
3 al government agency or private entity with
4 protective or public safety responsibilities re-
5 garding the implementation and coordination of
6 the strategy.

7 (B) Being knowledgeable about budget pri-
8 orities and familiar with all efforts within the
9 Department of Homeland Security and the
10 Federal Government related to the strategy.

11 (d) CONTRACTING SERVICES.—The Secretary shall
12 enter into contracts with public agencies or private entities
13 with expertise in behavioral threat assessment and man-
14 agement to assist with the implementation of the national
15 strategy.

16 (e) WEBSITE.—The Secretary shall develop and pub-
17 lish an interactive public website to publicize information
18 and data on evidence-based best practices in behavioral
19 threat assessment and management, except that such
20 website may not include law enforcement sensitive or clas-
21 sified data or processes and sources.

22 (f) REPORT TO CONGRESS.—Not later than 1 year
23 after the date of enactment of this Act and each year
24 thereafter, the Secretary shall submit to the appropriate
25 committees of Congress a report on any action taken to

1 implement the national strategy, which shall include the
2 following:

3 (1) Information relating to the number of
4 detailees hired (on a full-time equivalent basis).

5 (2) Information relating to the number of, and
6 use of, contracts entered into with public agencies or
7 private entities, as required under subsection (d).

8 (3) Information relating to the number of enti-
9 ties participating in the Behavioral Threat Assess-
10 ment and Management Training Program under sec-
11 tion 5(3).

12 (4) Information relating to the number of edu-
13 cational entities participating in the Behavioral
14 Threat Assessment and Management School Vio-
15 lence Prevention Program under section 5(4).

16 (5) Information relating to the number of Fed-
17 eral, State, local, and Tribal law enforcement enti-
18 ties participating in the Behavioral Threat Assess-
19 ment and Management Unit Support Program
20 under section 5(2).

21 (6) Information relating to the number of
22 States participating in the Behavioral Threat As-
23 sessment and Management Grant Program under
24 section 8.

1 (7) A formal evaluation conducted by the
2 Homeland Security Studies and Analysis Institute of
3 the Department of Homeland Security studying the
4 implementation and effectiveness of the national
5 strategy.

6 (8) Information relating to the level of coopera-
7 tion between Federal Government agencies in the
8 implementation of the strategy.

9 (9) An assessment of future trends, challenges,
10 and opportunities, including new technologies, that
11 will impact Federal, State, local, and Tribal govern-
12 ment agency efforts to combat targeted violence
13 through behavioral threat assessment and manage-
14 ment.

15 (10) A detailed accounting of the use of the
16 waiver authority described in section 8(d).

17 (g) ANNUAL BRIEFING.—Not later than 1 year after
18 the date of enactment of this Act and each year thereafter,
19 the Secretary shall brief the appropriate committees of
20 Congress on the progress, changes, and other develop-
21 ments with respect to implementing the national strategy.

22 **SEC. 8. BEHAVIORAL THREAT ASSESSMENT AND MANAGE-**
23 **MENT GRANT PROGRAM.**

24 (a) IN GENERAL.—The Secretary shall award grants
25 to eligible entities to establish community-based behavioral

1 threat assessment and management units that implement
2 the national strategy.

3 (b) APPLICATION.—To receive a grant under this
4 subsection, an eligible entity shall submit an application
5 to the Secretary at such time, in such manner, and con-
6 taining such information as the Secretary may require.

7 (c) MATCHING FUNDS.—An eligible entity that re-
8 ceives a grant under this subsection shall provide a cash
9 contribution in an amount that is not less than 10 percent
10 of the amount of the grant.

11 (d) WAIVER.—The Secretary may waive or reduce the
12 cash contribution required under subsection (c) for eligible
13 entities that demonstrate a need for such a waiver or re-
14 duction.

15 (e) ELIGIBLE ENTITY DEFINED.—In this section, the
16 term “eligible entity” means—

- 17 (1) a State;
- 18 (2) a Tribal organization;
- 19 (3) an educational entity;
- 20 (4) a unit of local government; or
- 21 (5) a nongovernmental organization.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to carry out sections 7 and 8 \$25,000,000 for each
25 of fiscal years 2020 through 2024.

1 (b) LIMITATION.—No funds authorized to be appro-
2 priated under this section may be used to—

3 (1) train any individual in the use of a firearm;

4 or

5 (2) encourage or discourage the otherwise legal
6 ownership and use of firearms.

7 (c) NO EFFECT ON OTHER LAWS.—Nothing in this
8 Act may be construed to preclude or contradict any other
9 provision of law authorizing the provision of firearms or
10 training in the use of firearms.

○