

DHS FIELD ENGAGEMENT ACCOUNTABILITY ACT

MARCH 19, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 5079]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5079) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary .....	3
Background and Need for Legislation .....	3
Hearings .....	5
Committee Consideration .....	5
Committee Votes .....	5
Committee Oversight Findings .....	5
New Budget Authority, Entitlement Authority, and Tax Expenditures .....	6
Congressional Budget Office Estimate .....	6
Statement of General Performance Goals and Objectives .....	6
Duplicative Federal Programs .....	6
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	6
Federal Mandates Statement .....	6
Preemption Clarification .....	6
Disclosure of Directed Rule Makings .....	7
Advisory Committee Statement .....	7
Applicability to Legislative Branch .....	7
Section-by-Section Analysis of the Legislation .....	7
Changes in Existing Law Made by the Bill, as Reported .....	9

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

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

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

- (1) redesigning subsections (j) and (k) as subsections (k) and (l), respectively; and
- (2) inserting after subsection (i) the following new subsection:
  - “(j) FUSION CENTER INFORMATION SHARING STRATEGY.—Not later than one year after the date of the enactment of this subsection, the Secretary shall develop and update at least once every five years 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 of the Department, the Officer for Civil Rights and Civil Liberties of the Department, 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 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 five-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
  - (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 of the Department of Homeland Security, the Under Secretary for Intelligence and Analysis of the Department shall develop and implement a formalized training module for fusion center personnel regarding the classified Homeland Secure Data Network of the Department, or any successor system.
- (c) FUSION CENTER DEFINED.—In this section, the term “fusion center” has the meaning given such term in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

**SEC. 4. DHS COMPONENT USAGE OF THE HOMELAND SECURITY INFORMATION NETWORK.**

- (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Intelligence Officer of the Department of Homeland Security, in consultation with the Chief Information Officer of the Department, shall—
  - (1) develop policies and metrics to ensure effective use by components of the Department of the Department’s unclassified Homeland Security Information Sharing Network, or any successor system; and
  - (2) develop policies for posting unclassified products on the Homeland Security Information Sharing Network, or any successor system.
- (b) TECHNICAL ENHANCEMENTS.—The Chief Information Officer of the Department of Homeland Security, in consultation with the Chief Intelligence Officer of the Department, shall assess and implement, as appropriate, technical enhancements to the Homeland Security Information Sharing Network (HSIN) to improve usability, including search functionality, data analysis, and collaboration capabilities.

**SEC. 5. REPORT.**

Not later than 18 months after the date of the enactment of this Act, 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 on the implementation of the following:

- (1) The fusion center information sharing strategy required under subsection (j) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as added by section 2 of this Act, based on performance metrics developed pursuant to such strategy.
- (2) Field personnel deployed to fusion centers (as such term is defined in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h)) in accordance with section 3, based on performance metrics developed pursuant to such section.
- (3) Policies that seek to ensure the effective use of the Homeland Security Information Sharing Network in accordance with section 4, based on the metrics developed pursuant to such section.

### PURPOSE AND SUMMARY

H.R. 5079 strengthens the relationship between the Department of Homeland Security (DHS) and the National Network of Fusion Centers. This bill requires the Secretary to develop a DHS-wide fusion center engagement strategy, ensure metrics are in place to hold field personnel from the Office of Intelligence and Analysis (I&A) accountable for their performance at fusion centers, and leverage the Homeland Security Information Network (HSIN) to promote greater engagement between DHS components and fusion centers.

### BACKGROUND AND NEED FOR LEGISLATION

This bill addresses numerous recommendations made by the Committee in its 2017 review of the National Network of Fusion Centers. Collectively, these recommendations address gaps found in Department-wide engagement with fusion centers, both virtually and through field personnel deployments.

The Department of Homeland Security does not have a DHS-wide strategic plan for engagement with fusion centers. This issue was first raised by the Committee in its 2016 review of the Department's Intelligence Enterprise (IE)<sup>1</sup> which found that DHS "does not systematically capitalize on fusion centers as potential sources of information or serve them consistently as a provider of national-level terrorism intelligence." The Committee's review found varying levels of engagement with fusion centers across the IE, and that many intelligence components did not have clear policies in place for deploying personnel to fusion centers. Additionally, while the Office of Intelligence and Analysis' (I&A) consolidation of its field personnel under one chain of command was a positive first step in improving intelligence sharing with fusion centers, the report found deficiencies in I&A's metrics used to evaluate the quality of its engagement with these stakeholders. The Committee reviewed existing strategies, policies and guidelines in its recent fusion center report and could not locate a document detailing a department-wide vision for working with fusion centers. As fusion centers move toward an all-crimes, all-hazards mission, the need for a coordinate

<sup>1</sup> DHS's Intelligence Enterprise includes eight offices across the Department performing intelligence work, including the intelligence offices in Customs and Border Protection, Homeland Security Investigations, the Transportation Security Administration, and the National Protection and Programs Directorate.

strategy that includes all of the Department's components is critical.

This bill also addresses I&A's footprint at fusion centers. I&A has been deploying personnel—Intelligence Officers—to fusion centers since 2006 to serve primarily in a liaison capacity. In a 2013 report, the Committee found that I&A's Intelligence Officers (IOs) were covering 88 percent of the fusion centers in the National Network. However, in recent years, the Committee has learned the number of IOs I&A can deploy to the field has been capped at a certain number, which has required I&A to prioritize and reassign personnel. This requirement has led to a reduction in the number IOs assigned to fusion centers. As highlighted in the Committee's fusion center report, this has had a negative impact on the relationships between individual centers and I&A, and has created gaps in information sharing. The Committee has also found that some of the poor relationships between fusion centers and IOs stemmed from personality issues and perceived discrepancies in IO training. The bill will ensure that I&A has the appropriate performance metrics and objectives in place to ensure that supervisors and field personnel are held accountable for maintaining and maximizing these relationships across the National Network of fusion centers.

In terms of fusion center access to DHS information systems, as of October 2017, every fusion center had access to the Homeland Security Data Network (HSDN), which is DHS's classified network used to collect, disseminate and exchange homeland security information. However, the Committee has found a disparity in fusion center personnel proficiency on HSDN. The Committee heard from numerous fusion centers that their personnel have not received any training on HSDN, and one fusion center director noted that, as a result, his personnel do not know how to leverage their access to this system. Additionally, the Committee confirmed that, while I&A provides a comprehensive written tutorial on HSDN, I&A does not offer any standardized in-person training, and relies on its field personnel to train fusion center personnel, which occurs on an ad-hoc basis. This bill will require I&A to develop a formalized HSDN training module for fusion center personnel.

The Homeland Security Information Network (HSIN) is DHS's unclassified intelligence and document sharing system, and HSIN-Intel is the primary platform used by the Department and fusion centers to exchange information. In its ongoing oversight work on fusion centers, the Committee has found widespread satisfaction with this platform's development since its inception over a decade. However, the Committee has been informed on numerous occasions, including at a Committee hearing in February 2015, and during recent site visits to fusion centers, that many DHS components do not routinely share analytic products on HSIN-Intel and that many documents are not posted on a timely basis. The Committee also heard widespread complaints from fusion centers about the limited search functionality within HSIN, as search results do not appear in any specific or logical order, and do not appear to search multiple communities of interest at the same time. One fusion center official illustrated this problem when they described an instance in which they could not locate a document that they had authored and previously posted to HSIN. By requiring components

to have appropriate policies and metrics in place for using and posting products to HSIN, and technical enhancements to improve usability of the system, the bill will ensure all components are leveraging this important platform to share critical national security information with fusion centers.

#### HEARINGS

The Committee did not hold any hearings on H.R. 5079, but the Subcommittee on Counterterrorism and Intelligence held several hearings relevant to the legislation.

On February 26, 2015, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled, “Addressing Remaining Gaps in Federal, State, and Local Information Sharing.” The Subcommittee received testimony from Mr. Mike Sena, President, National Fusion Center Association; Chief Richard Beary, President, International Association of Chiefs of Police; and Dr. Cedric Alexander, National President, National Organization of Black Law Enforcement Executives.

On September 8, 2016, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled, “State and Local Perspectives on Federal Information Sharing.” The Subcommittee received testimony from Mr. Mike Sena, President, National Fusion Center Association; Chief Richard Beary, Immediate Past President, International Association of Chiefs of Police; and Dr. Cedric Alexander, National President, National Organization of Black Law Enforcement Executives.

#### COMMITTEE CONSIDERATION

The Committee met on March 7, 2018, to consider H.R. 5079, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The following amendment was offered:

An amendment offered by MISS RICE of New York (#1); was **AGREED TO** by unanimous consent.

At the end of the bill add a new section entitled “Sec. 5. Report.”

#### COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5079.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX  
EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5079, the DHS Field Engagement Accountability Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 5079 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of this bill is to hold DHS more accountable for supporting fusion centers and truly utilizing them as a resource to the Federal Government.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 5079 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED  
TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law,

the Committee finds that H.R. 5079 does not preempt any State, local, or Tribal law.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 5079 would require no directed rule makings.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short Title.*

This section provides that this bill may be cited as the “DHS Field Engagement Accountability Act”.

##### *Sec. 2. Engagement Strategy with Fusion Centers.*

This section amends section 210A of the Homeland Security Act of 2002 (Pub. L. 107-296) by adding a requirement that the Secretary of Homeland Security develop and update at least every 5 years a strategy for engagement with fusion centers. This section requires the strategy to be developed and updated in consultation with the heads of intelligence components of the Department, the Chief Privacy Officer of the Department, the Office for Civil Rights and Civil Liberties of the Department, officials of fusion centers, officers designated as Homeland Security Advisors, and the heads of relevant agencies, as appropriate.

This section requires the strategy to include specific DHS goals and objectives for sharing information and engaging with fusion centers through the direct deployment of personnel from intelligence components of the Department, through the use of Department unclassified and classified information sharing systems, including the Homeland Security Information Sharing Network and the Homeland Secure Data Network, and through additional means. With the maturation of the National Network, many fusion centers have adopted an all-threats, all-hazards mission to ensure they are keeping pace with the changing threat environment. A DHS-wide fusion center engagement strategy that incorporates all the components of the Department, as well as information sharing systems, as appropriate, will ensure DHS is supporting and leveraging fusion centers effectively and efficiently.

This section also requires the strategy to include the performance metrics to be used to measure success in achieving the goals and objectives for sharing information and engaging with fusion centers.

*Sec. 3. Office of Intelligence and Analysis Field Personnel Support to Fusion Centers.*

This section requires the Under Secretary for Intelligence and Analysis to 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.

This section also requires the Under Secretary for Intelligence and Analysis to publish and disseminate performance metrics and objectives, taking into account, as appropriate, regional and threat diversity, for field personnel assigned to an individual fusion center as well as those assigned to multiple fusion centers. This section also requires similar metrics to be developed for Regional Directors of the Office of Intelligence and Analysis to ensure accountability for monitoring all field personnel under their supervision. Among other responsibilities, personnel from the DHS Office of Intelligence and Analysis (I&A) deployed to fusion centers serve as Ambassadors of the Department, and are integral in shaping and strengthening the relationship between fusion centers and DHS. As such, the Department must have appropriate performance objectives and metrics in place to ensure greater transparency in the expectations of these officers, and accountability when issues arise.

This section also requires the Under Secretary for Intelligence and Analysis, in consultation with the Chief Information Officer, to develop and implement a formalized training module for fusion center personnel regarding the classified Homeland Secure Data Network (HSDN) of the Department, or any successor system. This specifically addresses gaps identified by the Committee in the Department's training of fusion center personnel on this system.

This section also defines "fusion center" as the meaning given such term in section 210A of the Homeland Security Act of 2002.

*Sec. 4. DHS Component Usage of the Homeland Security Information Network.*

This section requires the Chief Intelligence Officer of the Department (CINT), in consultation with the Chief Information Officer of the Department, to develop policies and metrics, not later than 180 days after the date of the enactment of this Act, to ensure effective use by components of the Department's unclassified Homeland Security Information Sharing Network (HSIN), or any successor system. This section also requires the aforementioned Department officials to develop policies for posting unclassified products on HSIN, or any successor system. HSIN is a vital platform for sharing information at the unclassified level and is relied upon by fusion centers to receive threat-related products from the Federal Government. However, many DHS components do not routinely share analytic products on HSIN-Intel and many documents are not posted on a timely basis. It is incumbent on the CINT to ensure the appropriate policies and metrics are in place to incentivize component use of this system.

This section also requires the Chief Information Officer of the Department, in consultation with the Chief Intelligence Officer, to assess and implement, as appropriate, technical enhancements to



HSIN to improve usability, including search functionality, data analysis, and collaboration capabilities.

*Sec. 5. Report.*

This section requires the Secretary of Homeland Security to submit a report, no later than 18 months after the date of enactment of this Act, to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. The report shall include details of the implementation of the fusion center information sharing strategy, as added by section 2 of this act, based on the performance metrics developed pursuant to such strategy. The report shall also include details of the implementation of field personnel deployed to fusion centers in accordance with section 3, based on performance metrics developed pursuant to such section. Last, this report shall include details of the implementation of policies that seek to ensure the effective use of the Homeland Security Information Sharing Network in accordance with section 4, based on the metrics developed pursuant to such section.

1. DHS's Intelligence Enterprise includes eight offices across the Department performing intelligence work, including the intelligence offices in Customs and Border Protection, Homeland Security Investigations, the Transportation Security Administration, and the National Protection and Programs Directorate.

2. By statute, the Under Secretary for Intelligence and Analysis is dual-hatted as the head of the Office of Intelligence and Analysis (I&A) and as the Chief Intelligence Officer (CINT).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**HOMELAND SECURITY ACT OF 2002**

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**TITLE II—INFORMATION ANALYSIS AND  
INFRASTRUCTURE PROTECTION**

**Subtitle A—Information and Analysis and  
Infrastructure Protection; Access to In-  
formation**

\* \* \* \* \*

**SEC. 210A. 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 estab-

lished under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), 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 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

(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 consultation with the principal officials of participating fusion centers:

- (A) Office of Intelligence and Analysis.
- (B) Office of Infrastructure Protection.
- (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, supported, or sponsored by the Privacy Officer appointed under section 222 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 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); 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 pro-

viders of State, local, and tribal government, 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 the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 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 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

(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 one year after the date of the enactment of this subsection, the Secretary shall develop and update at least once every five years 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 of the Department, the Officer for Civil Rights and Civil Liberties of the Department, 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 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 five-year plan for continued engagement with fusion centers.*

**[(j)] (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 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

(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 designed 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 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

**[(k)] (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 offi-

cers and intelligence analysts who are assigned to fusion centers under this section.

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