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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

# H. R.

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To require an assessment of fusion center personnel needs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. MCSALLY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Home-  
5 land Security Support to Fusion Centers Act of 2017”.

6 **SEC. 2. FUSION CENTER PERSONNEL NEEDS ASSESSMENT.**

7 Not later than 120 days after the date of the enact-  
8 ment of this Act, the Comptroller General of the United  
9 States shall conduct an assessment of Department of

1 Homeland Security personnel assigned to fusion centers  
2 pursuant to subsection (c) of section 210A of the Home-  
3 land Security Act of 2002 (6 U.S.C. 124h), including an  
4 assessment of whether deploying additional Department  
5 personnel to such fusion centers would enhance the De-  
6 partment's mission under section 101(b) of such Act and  
7 the National Network of Fusion Centers. The assessment  
8 required under this subsection shall include the following:

9 (1) Information on the current deployment of  
10 the Department's personnel to each fusion center.

11 (2) Information on the roles and responsibilities  
12 of the Department's Office of Intelligence and Anal-  
13 ysis' intelligence officers, intelligence analysts, senior  
14 reports officers, reports officers, and regional direc-  
15 tors deployed to fusion centers.

16 (3) Information on Federal resources, in addi-  
17 tion to personnel, provided to each fusion center.

18 (4) An analysis of the optimal number of per-  
19 sonnel the Office of Intelligence and Analysis should  
20 deploy to fusion centers, including a cost-benefit  
21 analysis comparing deployed personnel with techno-  
22 logical solutions to support information sharing.

23 (5) An assessment of fusion centers located in  
24 jurisdictions along land and maritime borders of the  
25 United States, and the degree to which deploying

1 personnel, as appropriate, from U.S. Customs and  
2 Border Protection, U.S. Immigration and Customs  
3 Enforcement, and the Coast Guard to such fusion  
4 centers would enhance the integrity and security at  
5 such borders by helping Federal, State, local, tribal,  
6 and territorial law enforcement authorities to iden-  
7 tify, investigate, and interdict persons, weapons, and  
8 related contraband that pose a threat to homeland  
9 security.

10 (6) An assessment of fusion centers located in  
11 jurisdictions with large and medium hub airports,  
12 and the degree to which deploying, as appropriate,  
13 personnel from the Transportation Security Admin-  
14 istration to such fusion centers would enhance the  
15 integrity and security of aviation security.

16 **SEC. 3. PROGRAM FOR STATE AND LOCAL ANALYST CLEAR-**  
17 **ANCES.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that any program established by the Under Sec-  
20 retary for Intelligence and Analysis of the Department of  
21 Homeland Security to provide eligibility for access to in-  
22 formation classified as Top Secret for State, local, tribal,  
23 and territorial analysts located in fusion centers shall be  
24 consistent with the need to know requirements pursuant  
25 to Executive Order No. 13526 (50 U.S.C. 3161 note).

1 (b) REPORT.—Not later than two years after the date  
2 of the enactment of this Act, the Under Secretary of Intel-  
3 ligence and Analysis of the Department of Homeland Se-  
4 curity, in consultation with the Director of National Intel-  
5 ligence, shall submit to the Committee on Homeland Secu-  
6 rity and the Permanent Select Committee on Intelligence  
7 of the House of Representatives and the Committee on  
8 Homeland Security and Governmental Affairs and the Se-  
9 lect Committee on Intelligence of the Senate a report on  
10 the following:

11 (1) The process by which the Under Secretary  
12 of Intelligence and Analysis determines a need to  
13 know pursuant to Executive Order No. 13526 to  
14 sponsor Top Secret clearances for appropriate State,  
15 local, tribal, and territorial analysts located in fusion  
16 centers.

17 (2) The effects of such Top Secret clearances  
18 on enhancing information sharing with State, local,  
19 tribal, and territorial partners.

20 (3) The cost for providing such Top Secret  
21 clearances for State, local, tribal, and territorial ana-  
22 lysts located in fusion centers, including training  
23 and background investigations.

24 (4) The operational security protocols, training,  
25 management, and risks associated with providing

1 such Top Secret clearances for State, local, tribal,  
2 and territorial analysts located in fusion centers.

3 **SEC. 4. INFORMATION TECHNOLOGY ASSESSMENT.**

4 The Under Secretary of Intelligence and Analysis of  
5 the Department of Homeland Security, in collaboration  
6 with the Chief Information Officer of the Department and  
7 representatives from the National Network of Fusion Cen-  
8 ters, shall conduct an assessment of information systems  
9 (as such term is defined in section 3502 of title 44, United  
10 States Code) used to share homeland security information  
11 between the Department and fusion centers in the Na-  
12 tional Network of Fusion Centers and make upgrades to  
13 such systems, as appropriate. Such assessment shall in-  
14 clude the following:

15 (1) An evaluation of the accessibility and ease  
16 of use of such systems by fusion centers in the Na-  
17 tional Network of Fusion Centers.

18 (2) A review to determine how to establish im-  
19 proved interoperability of departmental information  
20 systems with existing information systems used by  
21 fusion centers in the National Network of Fusion  
22 Centers.

23 (3) An evaluation of participation levels of de-  
24 partmental components and offices of information  
25 systems used to share homeland security information

1 with fusion centers in the National Network of Fu-  
2 sion Centers.

3 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

4 Not later than one year after the date of the enact-  
5 ment of this Act, the Under Secretary of Intelligence and  
6 Analysis of the Department of Homeland Security shall  
7 enter into a memorandum of understanding with each fu-  
8 sion center in the National Network of Fusion Centers re-  
9 garding the type of information such fusion centers will  
10 provide to the Department and whether such information  
11 may be subject to public disclosure.

12 **SEC. 6. AMENDMENTS.**

13 Section 210A of the Homeland Security Act of 2002  
14 (6 U.S.C. 124h) is amended—

15 (1) in subsection (d), by striking “and tribal”  
16 each place it appears and inserting “tribal, and ter-  
17 ritorial”;

18 (2) in subsection (e), by striking “and tribal”  
19 each place it appears and inserting “tribal, and ter-  
20 ritorial”;

21 (3) in subsection (g)(1), by striking “or tribal”  
22 and inserting “tribal, or territorial”;

23 (4) in subsection (i)—

24 (A) in paragraph (3), by striking “and  
25 tribal” and inserting “tribal, territorial”; and

1 (B) in paragraph (6), by inserting “terri-  
2 torial,” after “tribal,”; and

3 (5) in subsection (j)(1), by striking “or tribal”  
4 and inserting “tribal, or territorial”.

5 **SEC. 7. DEFINITIONS.**

6 In this Act:

7 (1) FUSION CENTER.—The term “fusion cen-  
8 ter” has the meaning given such term in subsection  
9 (j) of section 210A of the Homeland Security Act of  
10 2002 (6 U.S.C. 124h).

11 (2) NATIONAL NETWORK OF FUSION CEN-  
12 TERS.—The term “National Network of Fusion Cen-  
13 ters” means a decentralized arrangement of fusion  
14 centers intended to enhance individual State and  
15 urban area fusion centers’ ability to leverage the ca-  
16 pabilities and expertise of all such fusion centers for  
17 the purpose of enhancing analysis and homeland se-  
18 curity information sharing nationally.