

Suspend the Rules and Pass the Bill, H.R. 5094, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 5094

To direct the Secretary of Homeland Security to improve suspicious activity reporting to prevent acts of terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2018

Mr. KING of New York (for himself, Mr. McCAUL, Mr. GALLAGHER, Mr. FITZPATRICK, Mr. KATKO, and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To direct the Secretary of Homeland Security to improve suspicious activity reporting to prevent acts of terrorism, 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 “Enhancing Suspicious
5 Activity Reporting Initiative Act”.

1 **SEC. 2. ENHANCING DEPARTMENT OF HOMELAND SECU-**
2 **RITY SUSPICIOUS ACTIVITY REPORTING OP-**
3 **ERATIONS.**

4 (a) STRATEGY REQUIRED.—Not later than one year
5 after the date of the enactment of this Act, the Secretary
6 of Homeland Security, in consultation with other appro-
7 priate Federal officials, shall develop a strategy to improve
8 the operations and activities of the Department of Home-
9 land Security related to training, outreach, and informa-
10 tion sharing for suspicious activity reporting to prevent
11 acts of terrorism.

12 (b) CONTENTS OF STRATEGY.—The strategy re-
13 quired under subsection (a) shall include the following:

14 (1) A description and examples of the types of
15 information that would meet the definition of critical
16 information for the purpose of suspicious activity re-
17 porting as well as information, including information
18 associated with racial, religious or national origin,
19 that would not meet the definition of critical infor-
20 mation.

21 (2) Training for appropriate personnel of State
22 and major urban area fusion centers, emergency re-
23 sponse providers, and, as appropriate, the private
24 sector on—

1 (A) methods for identifying, analyzing, and
2 disseminating critical information, including the
3 indicators of terrorism;

4 (B) methods to protect privacy and civil
5 liberties, including preventing racial, religious,
6 or national origin discrimination; and

7 (C) response protocols for submitting sus-
8 picious activity reports.

9 (3) Methods to improve outreach to appropriate
10 State and major urban area fusion centers, emer-
11 gency response providers, and the private sector re-
12 lated to suspicious activity reporting to prevent acts
13 of terrorism.

14 (4) A plan to ensure that critical information is
15 shared in a timely manner with State and major
16 urban area fusion centers, emergency response pro-
17 viders, and the private sector, as appropriate, includ-
18 ing nationwide trend analysis and other information
19 related to terrorist threats.

20 (5) Methods to measure the effectiveness of the
21 activities conducted under the strategy with respect
22 to improving the operations and activities of the De-
23 partment related to training, outreach, and informa-
24 tion sharing to prevent acts of terrorism that have

1 been validated through peer-reviewed empirical stud-
2 ies to the extent practicable.

3 (c) **WORKING GROUP RECOMMENDATIONS.**—In de-
4 veloping the strategy required under subsection (a) the
5 Secretary shall take into consideration the recommenda-
6 tions of the working group established under section 3.

7 (d) **CONGRESSIONAL NOTIFICATION.**—Not less than
8 30 days before the release of the strategy required pursu-
9 ant to subsection (a), the Secretary shall provide to the
10 Committee on Homeland Security of the House of Rep-
11 resentatives and the Committee on Homeland Security
12 and Governmental Affairs of the Senate a notification of
13 the release of the strategy and a copy of the strategy. Such
14 notification shall include the recommendations provided by
15 the working group established under section 3 and how
16 such recommendations were incorporated into the strat-
17 egy.

18 **SEC. 3. SUSPICIOUS ACTIVITY REPORTING WORKING**
19 **GROUP.**

20 (a) **ESTABLISHMENT.**—

21 (1) **IN GENERAL.**—The Secretary of Homeland
22 Security shall establish a working group on sus-
23 picious activity reporting.

24 (2) **DEPARTMENT LIAISONS.**—The Secretary
25 shall appoint as liaisons to the working group—

1 (A) the Chief Privacy Officer of the De-
2 partment of Homeland Security;

3 (B) the Officer for Civil Rights and Civil
4 Liberties of the Department; and

5 (C) such other officials of the Department
6 as the Secretary determines appropriate.

7 (b) RESPONSIBILITIES.—The working group estab-
8 lished under subsection (a) shall carry out the following
9 responsibilities:

10 (1) Provide advice to the Secretary regarding
11 improvements to the operations and activities related
12 to suspicious activity reporting to prevent acts of
13 terrorism.

14 (2) At the request of the Secretary, for pur-
15 poses of section 2(c), develop recommendations to
16 improve suspicious activity reporting to prevent acts
17 of terrorism with respect to—

18 (A) outreach to relevant stakeholders;

19 (B) information sharing;

20 (C) protecting personally identifiable infor-
21 mation;

22 (D) protecting the privacy, civil rights, and
23 civil liberties of individuals who report sus-
24 picious activity and individuals who are the sub-
25 jects of such reports;

1 (E) preventing racial, religious, or national
2 origin discrimination;

3 (F) training for emergency response pro-
4 viders and the private sector; and

5 (G) other matters, as determined by the
6 Secretary.

7 (c) WORKING GROUP MEMBERSHIP.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Secretary shall seek the voluntary participation of not
10 more than 20 individuals representing at least 12 diverse
11 regions of the United States to serve as members of the
12 working group. Members of the working group shall serve
13 without pay. The Secretary shall seek to ensure that the
14 working group includes members who are representatives
15 from each of the following:

16 (1) State and major urban area fusion centers.

17 (2) State, local, tribal and territorial law en-
18 forcement agencies.

19 (3) Firefighters.

20 (4) Emergency medical services.

21 (5) Private sector security professionals.

22 (6) Nongovernmental privacy and civil liberty
23 organizations.

24 (7) Any other group the Secretary determines
25 appropriate.

1 (d) CONGRESSIONAL BRIEFING.—Upon request, the
2 Secretary shall provide to the Committee on Homeland Se-
3 curity of the House of Representatives and the Committee
4 on Homeland Security and Governmental Affairs of the
5 Senate a briefing on the operations and activities of the
6 Department of Homeland Security related to training,
7 outreach, and information sharing for suspicious activity
8 reporting to prevent acts of terrorism, including copies of
9 materials developed under this section.

10 (e) TERMINATION.—The working group under this
11 section shall terminate on the date that is two years after
12 the date of the enactment of this Act, except that the Sec-
13 retary may extend such working group if the Secretary
14 determines necessary.

15 (f) NONAPPLICABILITY OF FACA.—The Federal Ad-
16 visory Committee Act (5 U.S.C. App.) shall not apply to
17 the working group established under this section.