

Union Calendar No. 466

115TH CONGRESS
2^D SESSION

H. R. 5094

[Report No. 115–610]

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

MARCH 19, 2018

Additional sponsor: Mr. BARLETTA

MARCH 19, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 26, 2018]

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”.*

6 **SEC. 2. ENHANCING DEPARTMENT OF HOMELAND SECU-**
7 **RITY SUSPICIOUS ACTIVITY REPORTING OP-**
8 **ERATIONS.**

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

17 *(b) CONTENTS OF STRATEGY.—The strategy required*
18 *under subsection (a) shall include the following:*

19 *(1) A description and examples of the types of*
20 *information that would meet the definition of critical*
21 *information for the purpose of suspicious activity re-*
22 *porting as well as information, including information*
23 *associated with racial, religious or national origin,*
24 *that would not meet the definition of critical informa-*
25 *tion.*

1 (2) *Training for appropriate personnel of State*
2 *and major urban area fusion centers, emergency re-*
3 *sponse providers, and, as appropriate, the private sec-*
4 *tor on—*

5 (A) *methods for identifying, analyzing, and*
6 *disseminating critical information, including the*
7 *indicators of terrorism;*

8 (B) *methods to protect privacy and civil*
9 *liberties, including preventing racial, religious,*
10 *or national origin discrimination; and*

11 (C) *response protocols for submitting sus-*
12 *picious activity reports.*

13 (3) *Methods to improve outreach to appropriate*
14 *State and major urban area fusion centers, emergency*
15 *response providers, and the private sector related to*
16 *suspicious activity reporting to prevent acts of ter-*
17 *rorism.*

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

24 (5) *Methods to measure the effectiveness of the*
25 *activities conducted under the strategy with respect to*

1 *improving the operations and activities of the Depart-*
2 *ment related to training, outreach, and information*
3 *sharing to prevent acts of terrorism that have been*
4 *validated through peer-reviewed empirical studies to*
5 *the extent practicable.*

6 *(c) WORKING GROUP RECOMMENDATIONS.—In devel-*
7 *oping the strategy required under subsection (a) the Sec-*
8 *retary shall take into consideration the recommendations*
9 *of the working group established under section 3.*

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

20 **SEC. 3. SUSPICIOUS ACTIVITY REPORTING WORKING**
21 **GROUP.**

22 *(a) ESTABLISHMENT.—*

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

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

3 (A) *the Chief Privacy Officer of the Depart-*
4 *ment of Homeland Security;*

5 (B) *the Officer for Civil Rights and Civil*
6 *Liberties of the Department; and*

7 (C) *such other officials of the Department as*
8 *the Secretary determines appropriate.*

9 (b) *RESPONSIBILITIES.*—*The working group estab-*
10 *lished under subsection (a) shall carry out the following re-*
11 *sponsibilities:*

12 (1) *Provide advice to the Secretary regarding*
13 *improvements to the operations and activities related*
14 *to suspicious activity reporting to prevent acts of ter-*
15 *rorism.*

16 (2) *At the request of the Secretary, for purposes*
17 *of section 2(c), develop recommendations to improve*
18 *suspicious activity reporting to prevent acts of ter-*
19 *rorism with respect to—*

20 (A) *outreach to relevant stakeholders;*

21 (B) *information sharing;*

22 (C) *protecting personally identifiable infor-*
23 *mation;*

24 (D) *protecting the privacy, civil rights, and*
25 *civil liberties of individuals who report sus-*

1 *picious activity and individuals who are the*
2 *subjects of such reports;*

3 *(E) preventing racial, religious, or national*
4 *origin discrimination;*

5 *(F) training for emergency response pro-*
6 *viders and the private sector; and*

7 *(G) other matters, as determined by the Sec-*
8 *retary.*

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

18 *(1) State and major urban area fusion centers.*

19 *(2) State, local, tribal and territorial law en-*
20 *forcement agencies.*

21 *(3) Firefighters.*

22 *(4) Emergency medical services.*

23 *(5) Private sector security professionals.*

24 *(6) Nongovernmental privacy and civil liberty*
25 *organizations.*

1 (7) *Any other group the Secretary determines*
2 *appropriate.*

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

12 (e) *TERMINATION.*—*The working group under this sec-*
13 *tion shall terminate on the date that is two years after the*
14 *date of the enactment of this Act, except that the Secretary*
15 *may extend such working group if the Secretary determines*
16 *necessary.*

17 (f) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
18 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
19 *working group established under this section.*

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