

115TH CONGRESS
2D SESSION

H. R. 5094

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Enhancing Suspicious
3 Activity Reporting Initiative Act”.

4 **SEC. 2. ENHANCING DEPARTMENT OF HOMELAND SECUR-**
5 **RITY SUSPICIOUS ACTIVITY REPORTING OP-**
6 **ERATIONS.**

7 (a) STRATEGY REQUIRED.—Not later than 1 year
8 after the date of the enactment of this Act, the Secretary
9 of Homeland Security, in consultation with other appro-
10 priate Federal officials, shall develop a strategy to improve
11 the operations and activities of the Department of Home-
12 land Security related to training, outreach, and informa-
13 tion sharing for suspicious activity reporting to prevent
14 acts of terrorism.

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

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

24 (2) Training for appropriate personnel of State
25 and major urban area fusion centers, emergency re-

1 sponse providers, and, as appropriate, the private
2 sector on—

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

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

9 (C) response protocols for submitting sus-
10 picious activity reports.

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

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

22 (5) Methods to measure the effectiveness of the
23 activities conducted under the strategy with respect
24 to improving the operations and activities of the De-
25 partment related to training, outreach, and informa-

1 tion sharing to prevent acts of terrorism that have
2 been validated through peer-reviewed empirical stud-
3 ies to the extent practicable.

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

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

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

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary of Homeland
23 Security shall establish a working group on sus-
24 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 De-
4 partment 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
8 as the Secretary determines appropriate.

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

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
15 terrorism.

16 (2) At the request of the Secretary, for pur-
17 poses of section 2(c), develop recommendations to
18 improve suspicious activity reporting to prevent acts
19 of terrorism 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 sub-
2 jects 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
8 Secretary.

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
12 more than 20 individuals representing at least 12 diverse
13 regions of the United States to serve as members of the
14 working group. Members of the working group shall serve
15 without pay. The Secretary shall seek to ensure that the
16 working group includes members who are representatives
17 from each 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,
9 outreach, and information sharing for suspicious activity
10 reporting to prevent acts of terrorism, including copies of
11 materials developed under this section.

12 (e) TERMINATION.—The working group under this
13 section shall terminate on the date that is 2 years after
14 the date of the enactment of this Act, except that the Sec-
15 retary may extend such working group if the Secretary
16 determines necessary.

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

Passed the House of Representatives June 25, 2018.

Attest:

KAREN L. HAAS,

Clerk.