

TITLE 6 - DOMESTIC SECURITY

CHAPTER 1 - HOMELAND SECURITY ORGANIZATION

SUBCHAPTER II - INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Part A - Information and Analysis and Infrastructure Protection; Access to Information

§ 124h. 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 established under section 485 of this title, 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 2000ee of title 42, 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 142 of this title 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 2000ee of title 42; 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 providers 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 August 3, 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 121 (d) of this title and nothing in this section shall be construed to abrogate the authorities granted under section 121 (d) of this title.

(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

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

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) 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 485 of this title;

(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 485 of this title.

(k) 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 officers and intelligence analysts who are assigned to fusion centers under this section.

(Pub. L. 107–296, title II, § 210A, as added Pub. L. 110–53, title V, § 511(a), Aug. 3, 2007, 121 Stat. 317.)

Training for Predeployed Officers and Analysts

Pub. L. 110–53, title V, § 511(b), Aug. 3, 2007, 121 Stat. 323, provided that: “An officer or analyst assigned to a fusion center by the Secretary of Homeland Security before the date of the enactment of this Act [Aug. 3, 2007] shall undergo

6 USC 124h

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the training described in section 210A(c)(4)(A) of the Homeland Security Act of 2002 [6 U.S.C. 124h (c)(4)(A)], as added by subsection (a), by not later than 6 months after such date.”