

Calendar No. 411

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-213 }

FIRST STATE AND LOCAL LAW
ENFORCEMENT ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 495

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO REQUIRE
AN ANNUAL REPORT ON THE OFFICE FOR STATE AND LOCAL
LAW ENFORCEMENT



FEBRUARY 4, 2020.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

99-010

WASHINGTON : 2020

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RON JOHNSON, Wisconsin, *Chairman*

ROB PORTMAN, Ohio	GARY C. PETERS, Michigan
RAND PAUL, Kentucky	THOMAS R. CARPER, Delaware
JAMES LANKFORD, Oklahoma	MAGGIE HASSAN, New Hampshire
MITT ROMNEY, Utah	KAMALA D. HARRIS, California
RICK SCOTT, Florida	KYRSTEN SINEMA, Arizona
MICHAEL B. ENZI, Wyoming	JACKY ROSEN, Nevada
JOSH HAWLEY, Missouri	

GABRIELLE D'ADAMO SINGER, *Staff Director*

JOSEPH C. FOLIO III, *Chief Counsel*

CHRISTOPHER S. BONESS, *Professional Staff Member*

DAVID M. WEINBERG, *Minority Staff Director*

ZACHARY I. SCHRAM, *Minority Chief Counsel*

ROY S. AWABDEH, *Minority Counsel*

LAURA W. KILBRIDE, *Chief Clerk*

Calendar No. 411

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-213

FIRST STATE AND LOCAL LAW ENFORCEMENT ACT

FEBRUARY 4, 2020.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 495]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 495) to amend the Homeland Security Act of 2002 to require an annual report on the Office for State and Local Law Enforcement, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	3
IV. Section-by-Section Analysis	3
V. Evaluation of Regulatory Impact	3
VI. Congressional Budget Office Cost Estimate	4
VII. Changes in Existing Law Made by the Act, as Reported	5

I. PURPOSE AND SUMMARY

H.R. 495, the Federal Information Resource to Strengthen Ties with State and Local Law Enforcement Act of 2019, or the FIRST State and Local Law Enforcement Act, requires the Assistant Secretary for State and Local Law Enforcement (SLLE) to submit an annual report to Congress on the activities of the Office for SLLE. The reporting requirement is for each fiscal year 2020 through 2024.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The National Commission on Terrorist Attacks Upon the United States (also referred to as the 9/11 Commission) recognized the important role that state, local, tribal, and territorial (SLTT) agencies play in defending the homeland against terrorist attacks.¹ Specifically, the 9/11 Commission report noted that, “There is a growing role for state and local law enforcement agencies. They need more training and work with federal agencies so that they can cooperate more effectively with those federal authorities in identifying terrorist suspects.”²

Following the 9/11 Commission report, Congress enacted the Implementing Recommendations of the 9/11 Commission Act of 2007.³ The law created the Office for State and Local Law Enforcement (SLLE Office) within the Department of Homeland Security (DHS) Policy Directorate headed by an Assistant Secretary.⁴ Under the law, the SLLE Office is responsible for leading coordination between DHS and SLTT law enforcement in defending, preparing, and responding to terrorist events and natural disasters as well as coordinating information sharing between the DHS Office of Intelligence & Analysis and SLTT law enforcement.⁵ The legislation also tasked the SLLE Office with assisting SLTT law enforcement to utilize grant funding to focus on terrorism prevention activities, and serve as an overall liaison between DHS and SLTT law enforcement, among other things.⁶

The sharing of terrorism-related information between agencies and with SLTT law enforcement has long been on the Government Accountability Office’s (GAO) High-Risk List.⁷ In its 2017 report, GAO removed the area of “Establishing Effective Mechanisms for Sharing and Managing Terrorism-Related Information to Protect the Homeland” due to significant progress made in key areas like leadership, measuring performance metrics, and tracking progress through an established implementation plan.⁸ However, in order for improvements and progress to remain on track, oversight in this area is crucial to maintaining a robust information-sharing enterprise. The 2017 report stated, “Although no longer a high-risk issue, sharing terrorism-related information remains an area with some risk, and continues to be vitally important to homeland security, requiring ongoing oversight as well as continuous improvement to identify and respond to changing threats and technology.”⁹

The SLLE Office is DHS’ primary connection to share threat and terrorism-related information to SLTT law enforcement. This bill requires the SLLE Office to report to congressional committees of jurisdiction on its efforts to coordinate and share information, ef-

¹National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report 390* (2004), available at <http://www.9-11commission.gov/report/911Report.pdf>.

²*Id.*

³Pub. L. No. 110–53.

⁴*Id.* Since the passage of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Office for State and Local Law Enforcement is now located within the Office of Partnership and Engagement at DHS. With this move, the head of the Office for State and Local Law Enforcement is now designated as a Deputy Assistant Secretary.

⁵Pub. L. No. 110–53.

⁶*Id.*

⁷U.S. Gov’t Accountability Office, GAO–17–317, High Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others 4 (2017), available at <https://www.gao.gov/assets/690/682765.pdf>.

⁸*Id.*

⁹*Id.* at 8.

forts to improve the Homeland Security Information Network, performance metrics on the office’s effectiveness, and feedback from SLTT law enforcement. The report required by this Act will allow Congress to evaluate efforts within the SLLE Office and assist in making improvements where necessary.

III. LEGISLATIVE HISTORY

Representative Sheila Jackson Lee (D–TX–18) introduced H.R. 495, the FIRST State and Local Law Enforcement Act, on January 11, 2019. The House of Representatives passed the Act under suspension of the rules by voice vote on January 29, 2019.

The Act was referred to the Senate Committee on Homeland Security and Governmental Affairs on January 29, 2019. The Committee considered H.R. 495 at a business meeting on November 6, 2019. Chairman Ron Johnson offered an amendment that corrects the title of the Act from 2017 to 2019. The amendment was adopted by voice vote and the Act, as amended, was reported favorably by voice vote *en bloc*. Senators present for the vote were Johnson, Portman, Paul, Lankford, Romney, Scott, Enzi, Hawley, Peters, Carper, Hassan, Sinema, and Rosen.

Consistent with Committee rules, the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

Section 1. Short title

This section names the Act the “Federal Information Resource to Strengthen Ties with State and Local Law Enforcement Act of 2019” or the “FIRST State and Local Law Enforcement Act.”

Section 2. Annual report on Office for State and Local Law Enforcement

This section creates a requirement for the Assistant Secretary for SLLE to report annually from 2020 through 2024 on the activities of the Office. The report is to be submitted to the House Committee on Homeland Security, House Committee on the Judiciary, Senate Committee on Homeland Security and Governmental Affairs, and the Senate Committee on the Judiciary. The report’s contents are to include a description of efforts to carry out and improve information sharing with SLLE agencies, the status of performance metrics within the SLLE Office, feedback from SLTT agencies, and efforts to carry out other responsibilities of the office.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this Act and determined that the Act will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the Act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 11, 2019.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for Department of Homeland Security Legislation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

Department of Homeland Security Legislation			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 6, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = less than \$500,000; the table above applies to each act described below.

On November 6, 2019, the Senate Committee on Homeland Security and Governmental Affairs ordered reported the following pieces of legislation:

- H.R. 495, the Federal Information Resource to Strengthen Ties with State and Local Law Enforcement Act of 2019, which would require the Department of Homeland Security (DHS) to submit an annual report to the Congress on the department's efforts to coordinate activities and share information with state, local, and tribal law enforcement agencies;
- H.R. 1589, the CBRN Intelligence and Information Sharing Act of 2019, which would direct DHS to gather and analyze intelligence on terrorist threats involving chemical, biological, radiological, and nuclear (CBRN) materials and to share that information with federal, state, and local authorities; and
- H.R. 2066, the DHS Intelligence Rotational Assignment Program Act of 2019, which would authorize DHS to permit its intelligence analysts to participate in the department's in-house employee rotation program.

DHS is currently carrying out activities similar to those required by the acts listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each act would not have a significant cost; any spending would be subject to the availability of appropriated funds.

On April 23, 2019, CBO transmitted a cost estimate for H.R. 1589, the CBRN Intelligence and Information Sharing Act of 2019, as passed by the House of Representatives on April 1, 2019. The two versions of the legislation are similar and CBO's estimate of the budgetary effects for each version are the same.

The CBO staff contact for this estimate is Kim Cawley. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italics*, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

SEC. 2006. TERRORISM PREVENTION.

(a) * * *

(b) * * *

(1) * * *

* * * * *

(5) *ANNUAL REPORT.*—*For each of fiscal years 2020 through 2024, the Assistant Secretary for State and Local Law Enforcement shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report on the activities of the Office for State and Local Law Enforcement. Each such report shall include, for the fiscal year covered by such report, a description of each of the following:*

(A) *Efforts to coordinate and share information regarding Department and component agency programs with State, local, and Tribal law enforcement agencies.*

(B) *Efforts to improve information sharing through the Homeland Security Information Network by appropriate component agencies of the Department and by State, local, and Tribal law enforcement agencies.*

(C) *The status of performance metrics within the Office for State and Local Law Enforcement to evaluate the effectiveness of efforts to carry out the activities specified in subsection (a).*

(D) *Any feedback from State, local, and Tribal law enforcement agencies regarding the Office for State and Local*

Law Enforcement, including the mechanisms utilized to collect such feedback.

(E) Efforts to carry out all other responsibilities of the Office for State and Local Law Enforcement.

* * * * *

