

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2397

To direct the Secretary of Homeland Security to establish a data framework to provide access for appropriate personnel to law enforcement and other information of the Department, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. HASSAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Home-
5 land Security Data Framework Act of 2018”.

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY DATA**
7 **FRAMEWORK .**

8 (a) IN GENERAL.—

9 (1) DEVELOPMENT.—The Secretary of Home-
10 land Security shall develop a data framework to in-
11 tegrate existing Department of Homeland Security

1 datasets and systems, as appropriate, for access by
2 authorized personnel in a manner consistent with
3 relevant legal authorities and privacy, civil rights,
4 and civil liberties policies and protections.

5 (2) REQUIREMENTS.—In developing the frame-
6 work required under paragraph (1), the Secretary of
7 Homeland Security shall ensure, in accordance with
8 all applicable statutory and regulatory requirements,
9 the following information is included:

10 (A) All information acquired, held, or ob-
11 tained by an office or component of the Depart-
12 ment of Homeland Security that falls within the
13 scope of the information sharing environment,
14 including homeland security information, ter-
15 rorism information, weapons of mass destruc-
16 tion information, and national intelligence.

17 (B) Any information or intelligence rel-
18 evant to priority mission needs and capability
19 requirements of the homeland security enter-
20 prise, as determined appropriate by the Sec-
21 retary.

22 (b) DATA FRAMEWORK ACCESS.—

23 (1) IN GENERAL.—The Secretary of Homeland
24 Security shall ensure that the data framework re-
25 quired under this section is accessible to employees

1 of the Department of Homeland Security who the
2 Secretary determines—

3 (A) have an appropriate security clearance;

4 (B) are assigned to perform a function
5 that requires access to information in such
6 framework; and

7 (C) are trained in applicable standards for
8 safeguarding and using such information.

9 (2) GUIDANCE.—The Secretary of Homeland
10 Security shall—

11 (A) issue guidance for Department of
12 Homeland Security employees authorized to ac-
13 cess and contribute to the data framework pur-
14 suant to paragraph (1); and

15 (B) ensure that such guidance enforces a
16 duty to share between offices and components
17 of the Department when accessing or contrib-
18 uting to such framework for mission needs.

19 (3) EFFICIENCY.—The Secretary of Homeland
20 Security shall promulgate data standards and in-
21 struct components of the Department of Homeland
22 Security to make available information through the
23 data framework required under this section in a ma-
24 chine-readable standard format, to the greatest ex-
25 tent practicable.

1 (c) EXCLUSION OF INFORMATION.—The Secretary of
2 Homeland Security may exclude information from the
3 data framework if the Secretary determines inclusion of
4 such information may—

5 (1) jeopardize the protection of sources, meth-
6 ods, or activities;

7 (2) compromise a criminal or national security
8 investigation;

9 (3) be inconsistent with other Federal laws or
10 regulations; or

11 (4) be duplicative or not serve an operational
12 purpose if included in such framework.

13 (d) SAFEGUARDS.—The Secretary of Homeland Se-
14 curity shall incorporate into the data framework required
15 under this section systems capabilities for auditing and en-
16 suring the security of information included in such frame-
17 work. Such capabilities shall include the following:

18 (1) Mechanisms for identifying insider threats.

19 (2) Mechanisms for identifying security risks.

20 (3) Safeguards for privacy, civil rights, and civil
21 liberties.

22 (e) DEADLINE FOR IMPLEMENTATION.—Not later
23 than 2 years after the date of enactment of this Act, the
24 Secretary of Homeland Security shall ensure the data
25 framework required under this section has the ability to

1 include appropriate information in existence within the
2 Department of Homeland Security to meet the critical
3 mission operations of the Department of Homeland Secu-
4 rity.

5 (f) NOTICE TO CONGRESS.—

6 (1) STATUS UPDATES.—The Secretary of
7 Homeland Security shall submit to the appropriate
8 congressional committees regular updates on the sta-
9 tus of the data framework until the framework is
10 fully operational.

11 (2) OPERATIONAL NOTIFICATION.—Not later
12 than 60 days after the date on which the data
13 framework required under this section is fully oper-
14 ational, the Secretary of Homeland Security shall
15 provide notice to the appropriate congressional com-
16 mittees that the data framework is fully operational.

17 (3) VALUE ADDED.—The Secretary of Home-
18 land Security shall annually brief Congress on com-
19 ponent use of the data framework required under
20 this section to support operations that disrupt ter-
21 rorist activities and incidents in the homeland.

22 (g) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMITTEE;
24 HOMELAND.—The terms “appropriate congressional
25 committee” and “homeland” have the meaning given

1 those terms in section 2 of the Homeland Security
2 Act of 2002 (6 U.S.C. 101).

3 (2) HOMELAND SECURITY INFORMATION.—The
4 term “homeland security information” has the
5 meaning given such term in section 892 of the
6 Homeland Security Act of 2002 (6 U.S.C. 482).

7 (3) NATIONAL INTELLIGENCE.—The term “na-
8 tional intelligence” has the meaning given such term
9 in section 3(5) of the National Security Act of 1947
10 (50 U.S.C. 3003(5)).

11 (4) TERRORISM INFORMATION.—The term “ter-
12 rorism information” has the meaning given such
13 term in section 1016 of the Intelligence Reform and
14 Terrorism Prevention Act of 2004 (6 U.S.C. 485).