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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To develop a national strategy to prevent targeted violence through threat assessment and management, and for other purposes.

Mr. BABIN introduced the following bill; which was referred to the Committee
on _____

A BILL

To develop a national strategy to prevent targeted violence through threat assessment and management, 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 “Threat Assessment,
5 Prevention, and Safety Act of 2018”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) incidents of targeted violence are impacting
2 our Nation frequently and indiscriminately;

3 (2) a collaborative, multi-disciplinary, and
4 multi-jurisdictional threat assessment and manage-
5 ment process on a Federal, State, local, and Tribal
6 level complements the development of better tactical
7 methods for strategically preventing targeted vio-
8 lence in communities, including schools;

9 (3) the United States has the capability to rap-
10 idly develop threat assessment and management
11 guidelines, practices, and standards;

12 (4) the United States should encourage the
13 standardization of such guidelines, practices, and
14 standards for streamlined and cohesive use across
15 the United States;

16 (5) establishing such guidelines, practices, and
17 standards is an important first step toward pre-
18 venting targeted violence; and

19 (6) it is in the national security interest of the
20 United States to develop such guidelines, practices,
21 and standards.

22 **SEC. 3. ESTABLISHMENT OF A JOINT THREAT ASSESSMENT**
23 **AND MANAGEMENT TASK FORCE.**

24 (a) IN GENERAL.—Not later than 30 days after the
25 date of the enactment of this Act, the Secretary of Home-

1 land Security shall establish within the Department of
2 Homeland Security a Joint Threat Assessment and Man-
3 agement Task Force (referred to in this Act as the “Task
4 Force”).

5 (b) DUTIES.—It shall be the duty of the Task Force
6 to provide recommendations to the appropriate committees
7 of Congress and the Secretary of Homeland Security on
8 the development and implementation of a national strat-
9 egy for preventing targeted violence through threat assess-
10 ment and management (referred to in this Act as the “na-
11 tional strategy”).

12 (c) MEMBERSHIP.—

13 (1) COMPOSITION.—The Task Force shall be
14 composed of not more than 21 members as follows:

15 (A) The Secretary of Homeland Security
16 or a designee with a position classified at GS-
17 15 or above.

18 (B) Not more than two representatives of
19 a nongovernmental organization that is deter-
20 mined by the Secretary of Homeland Security
21 to have expertise in threat assessment and
22 management.

23 (C) Not more than two psychiatrists or
24 psychologists who are determined by the Sec-
25 retary of Homeland Security to have expertise

1 in behavior-based threat assessment and man-
2 agement.

3 (D) Not more than three representatives
4 from local threat assessment and management
5 units who are determined by the Secretary of
6 Homeland Security to have expertise in threat
7 assessment and management.

8 (E) Not more than three representatives
9 from State threat assessment and management
10 units who are determined by the Secretary of
11 Homeland Security to have expertise in threat
12 assessment and management.

13 (F) One expert in threat assessment and
14 management appointed by the head of each of
15 the following entities:

16 (i) The National Threat Assessment
17 Center of the United States Secret Service.

18 (ii) The Protective Intelligence and
19 Assessment Division of the United States
20 Secret Service.

21 (iii) The Behavioral Analysis Unit-1
22 of the Critical Incident Response Group of
23 the Federal Bureau of Investigation.

24 (iv) The Joint Terrorism Task Force
25 of the Federal Bureau of Investigation.

1 (v) The United States Marshals Serv-
2 ice of the Department of Justice.

3 (vi) The Office on Violence Against
4 Women of the Department of Justice.

5 (vii) The Naval Criminal Investigative
6 Service of the Department of the Navy.

7 (viii) The United States Capitol Po-
8 lice.

9 (ix) The Department of Education.

10 (x) The Department of Health and
11 Human Services.

12 (2) CHAIRPERSON.—The Secretary of Home-
13 land Security shall appoint a chairperson of the
14 Task Force.

15 (3) CONSULTATION.—The Task Force may, as
16 the chairperson determines necessary, consult with
17 experts in threat assessment and management from
18 State, local, and Tribal government agencies and
19 private entities that have established threat assess-
20 ment and management programs.

21 (4) TERM OF MEMBERSHIP.—

22 (A) TERM OF MEMBERS.—Members of the
23 Task Force shall serve until the head of the re-
24 spective entity of the member appoints a new
25 representative to the Task Force.

1 (B) TERM OF CHAIRPERSON.—The chair-
2 person shall serve until the Secretary of Home-
3 land Security appoints a new chairperson.

4 (5) MEMBER COMPENSATION.—Members of the
5 Task Force may not receive additional pay, allow-
6 ances, or benefits by reason of their service on the
7 Task Force.

8 (d) OPERATING RULES AND PROCEDURES.—

9 (1) RULES AND PROCEDURES.—Any member of
10 the Task Force may propose to develop or change
11 existing operating rules and procedures of the Task
12 Force consistent with the functions of the Task
13 Force. Any change to such operating rules and pro-
14 cedures shall be adopted upon a majority vote of the
15 Task Force.

16 (2) FINDINGS AND SOLUTIONS.—The Task
17 Force shall adopt recommendations for the imple-
18 mentation of the national strategy only upon a ma-
19 jority vote of the Task Force.

20 (3) VOTING.—Each member of the Task Force
21 shall have one vote.

22 (4) QUORUM.—Two-thirds of the members of
23 the Task Force shall be present to constitute a
24 quorum, but a lesser number may hold meetings.

25 (e) STAFF DIRECTOR AND STAFF.—

1 (1) STAFF DIRECTOR.—The chairperson may
2 appoint a staff director, who shall be paid at a rate
3 not to exceed the rate of basic pay for level IV of
4 the Executive Schedule under section 5315 of title
5 5, United States Code.

6 (2) STAFF.—The staff director may appoint not
7 more than 3 additional staff personnel.

8 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
9 LAWS.—The staff of the Task Force shall be ap-
10 pointed subject to the provisions of title 5, United
11 States Code, governing appointments in the competi-
12 tive service, and shall be paid in accordance with the
13 provisions of chapter 51 and subchapter III of chap-
14 ter 53 of that title relating to classification and Gen-
15 eral Schedule pay rates.

16 (4) EXPERTS AND CONSULTANTS.—The Task
17 Force and the staff director, acting with the ap-
18 proval of the Task Force, may procure temporary
19 and intermittent services pursuant to section
20 3109(b) of title 5, United States Code.

21 (5) STAFF OF FEDERAL AGENCIES.—Upon the
22 request of the Secretary of Homeland Security, the
23 head of any Federal department or agency may de-
24 tail, on a reimbursable basis, any of the personnel
25 of such Federal department or agency to the Task

1 Force to assist it in carrying out the duties of the
2 Task Force under this section.

3 (f) POWERS OF THE TASK FORCE.—Any member of
4 the Task Force may, if authorized by the Task Force, take
5 any action which the Task Force is authorized to take by
6 this section.

7 (g) OBTAINING OFFICIAL DATA.—Subject to applica-
8 ble privacy laws and regulations, the Task Force may se-
9 cure directly from any Federal department or agency in-
10 formation necessary to enable it to carry out the duties
11 of the Task Force under this section. Upon request of the
12 chairperson of the Task Force, the head of such Federal
13 department or agency shall furnish such information to
14 the Task Force.

15 (h) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Task Force, the Administrator of Gen-
17 eral Services shall provide to the Task Force, on a reim-
18 bursable basis, the administrative support services nec-
19 essary for the Task Force to carry out the duties of the
20 Task Force under this section.

21 (i) CONTRACT AUTHORITY.—To the extent and in the
22 amounts made available in advance in appropriations Acts,
23 the Task Force may contract with and compensate State,
24 local, and Tribal government agencies and private entities

1 or persons for services necessary to carry out the duties
2 of the Task Force under this section.

3 (j) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, the Task Force shall submit
5 to the appropriate committees of Congress and the Sec-
6 retary of Homeland Security a report on recommendations
7 related to the national strategy, including recommenda-
8 tions for the development and implementation of the na-
9 tional strategy.

10 (k) DISSOLUTION OF TASK FORCE.—The Task Force
11 shall terminate 180 days after the date of the enactment
12 of this Act.

13 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section not
15 more than \$1,000,000 for fiscal year 2019.

16 **SEC. 4. CONTENTS OF NATIONAL STRATEGY RECOMMENDA-**
17 **TIONS.**

18 National strategy recommendations provided by the
19 Task Force pursuant to section 3(j) shall include each of
20 the following:

21 (1) EXISTING INFRASTRUCTURE PLANS.—Rec-
22 ommendations relating to the most effective use of
23 existing Federal, State, local, and Tribal infrastruc-
24 ture, workforce, and experience, including—

1 (A) the use of personnel, communication
2 channels, and information sharing capabilities
3 of fusion centers; and

4 (B) a standardized threat assessment and
5 management process.

6 (2) UNIT SUPPORT PROGRAM.—Recommendations relating to a Threat Assessment and Management Unit Support Program, which shall—

9 (A) assist Federal, State, local, Tribal government agencies and private entities in the implementation of community based, multi-disciplinary, and multi-jurisdictional threat assessment and management units;

14 (B) consult on real-world complex threat assessment and management cases or programs;

17 (C) promote coordination and information sharing among Federal, State, local, and Tribal government agencies and private entities with protective or public safety responsibilities; and

21 (D) support standardization between Federal, State, local, and Tribal government agency threat assessment and management units.

24 (3) TRAINING PROGRAM.—Recommendations
25 relating to a Threat Assessment and Management

1 Training Program, which may train officers and em-
2 ployees of Federal, State, local, and Tribal govern-
3 ment agencies and private entities in standardized
4 community based, multi-disciplinary, and multi-juris-
5 dictional threat assessment and management, includ-
6 ing—

7 (A) integrated operations;

8 (B) information sharing among Federal,
9 State, local, and Tribal government agencies
10 and private entities with protective or public
11 safety responsibilities; and

12 (C) disseminating published evidence-based
13 research materials on targeted violence preven-
14 tion through threat assessment and manage-
15 ment.

16 (4) SCHOOL VIOLENCE PREVENTION PRO-
17 GRAM.—Recommendations relating to a Threat As-
18 sessment and Management School Violence Preven-
19 tion Program for educational entities, which shall—

20 (A) train and support a multi-disciplinary
21 and multi-jurisdictional threat assessment and
22 management process, including the coordination
23 of information sharing;

1 (B) consult on real-world complex threat
2 assessment and management cases or pro-
3 grams;

4 (C) support the standardization between
5 educational entity threat assessment and man-
6 agement units; and

7 (D) disseminate to educational entities
8 published research materials on threat assess-
9 ment and management and the prevention of
10 targeted violence within educational entities.

11 **SEC. 5. DEVELOPMENT OF NATIONAL STRATEGY.**

12 (a) NATIONAL STRATEGY DEVELOPMENT.—The Sec-
13 retary of Homeland Security shall develop a national
14 strategy relating to threat assessment and management
15 and consider the recommendations made by the Task
16 Force pursuant to section 4 in the development of such
17 strategy.

18 (b) EFFECTIVE DATE.—The national strategy shall
19 take effect 180 days after the date of the enactment of
20 this Act unless Congress enacts a joint resolution of dis-
21 approval of the national strategy during such 180-day pe-
22 riod.

23 **SEC. 6. IMPLEMENTATION OF THE NATIONAL STRATEGY.**

24 (a) IN GENERAL.—Beginning on the date that the
25 national strategy takes effect under section 5(b), the Sec-

1 retary of Homeland Security shall implement the national
2 strategy and provide information and training services re-
3 lated to the national strategy at the request of any Fed-
4 eral, State, local, or Tribal government agency or private
5 entity with protective or public safety responsibilities.

6 (b) CONSULTATION.—In implementing the national
7 strategy, the Secretary of Homeland Security may consult
8 with the following:

9 (1) The United States Secret Service, includ-
10 ing—

11 (A) the National Threat Assessment Cen-
12 ter; and

13 (B) the Protective Intelligence and Assess-
14 ment Division.

15 (2) The Department of Justice, including—

16 (A) the Behavioral Analysis Unit-1 of the
17 Critical Incident Response Group of the Federal
18 Bureau of Investigation;

19 (B) the Joint Terrorism Task Force of the
20 Federal Bureau of Investigation;

21 (C) the United States Marshals Service;
22 and

23 (D) the Office on Violence Against
24 Women.

1 (3) The Department of the Navy, including the
2 Naval Criminal Investigative Service.

3 (4) The United States Capitol Police.

4 (5) The Department of Education.

5 (6) The Department of Health and Human
6 Services.

7 (7) Nongovernmental organizations that are de-
8 termined by the Secretary of Homeland Security to
9 have expertise in threat assessment and manage-
10 ment.

11 (8) Psychiatrists or psychologists who are de-
12 termined by the Secretary of Homeland Security to
13 have expertise in behavior-based threat assessment
14 and management.

15 (9) State and local threat assessment and man-
16 agement units.

17 (c) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

18 (1) IN GENERAL.—The Secretary of Homeland
19 Security shall designate a senior official within the
20 Department of Homeland Security to be responsible
21 for coordinating the implementation and coordina-
22 tion of the national strategy.

23 (2) DUTIES.—The duties of the official des-
24 ignated pursuant to paragraph (1) shall include the
25 following:

1 (A) Acting as a liaison between each Fed-
2 eral agency regarding the implementation and
3 coordination of the strategy.

4 (B) Being knowledgeable about budget pri-
5 orities and familiar with all efforts within the
6 Department of Homeland Security and the
7 Federal Government related to the strategy.

8 (d) CONTRACTING SERVICES.—The Secretary of
9 Homeland Security shall enter into contracts with public
10 agencies or private entities with expertise in threat assess-
11 ment and management to assist with the implementation
12 of the national strategy.

13 (e) WEBSITE.—The Secretary of Homeland Security
14 may develop an interactive public website to publicize in-
15 formation and data on evidence-based practices in threat
16 assessment and management, except that such website
17 may not include law enforcement sensitive or classified
18 data or processes and sources.

19 (f) REPORT TO CONGRESS.—Not later than 1 year
20 after the date of the enactment of this Act and each year
21 thereafter, the Secretary of Homeland Security shall sub-
22 mit to the appropriate committees of Congress a report
23 on any action taken to implement the national strategy,
24 which shall include the following:

1 (1) Information relating to the number of
2 detailees hired (on a full-time equivalent basis).

3 (2) Information relating to the number of, and
4 use of, contracts entered into with public agencies or
5 private entities, as required under subsection (d).

6 (3) Information relating to the number of enti-
7 ties participating in the Threat Assessment and
8 Management Training Program under section 4(3).

9 (4) Information relating to the number of edu-
10 cational entities participating in the Threat Assess-
11 ment and Management School Violence Prevention
12 Program under section 4(4).

13 (5) Information relating to the number of Fed-
14 eral, State, local, and Tribal law enforcement enti-
15 ties participating in the Threat Assessment and
16 Management Unit Support Program under section
17 4(2).

18 (6) Information relating to the number of
19 States participating in the Threat Assessment and
20 Management Grant Program under section 7.

21 (7) A formal evaluation conducted by the
22 Homeland Security Studies and Analysis Institute of
23 the Department of Homeland Security studying the
24 implementation and effectiveness of the national
25 strategy.

1 (8) Information relating to the level of coopera-
2 tion between Federal Government agencies in the
3 implementation of the strategy.

4 (9) An assessment of future trends, challenges,
5 and opportunities, including new technologies, that
6 will impact Federal, State, local, and Tribal govern-
7 ment agency efforts to combat targeted violence
8 through threat assessment and management.

9 (g) ANNUAL BRIEFING.—Not later than 1 year after
10 the date of the enactment of this Act and each year there-
11 after, the Secretary of Homeland Security shall brief the
12 appropriate committees of Congress on the progress,
13 changes, and other developments with respect to imple-
14 menting the national strategy.

15 **SEC. 7. THREAT ASSESSMENT AND MANAGEMENT GRANT**
16 **PROGRAM.**

17 (a) IN GENERAL.—The Secretary of Homeland shall
18 award grants to eligible entities to establish community
19 based units that implement the national strategy.

20 (b) APPLICATION.—To receive a grant under this
21 subsection, an eligible entity shall submit an application
22 to the Secretary of Homeland Security at such time, in
23 such manner, and containing such information as the Sec-
24 retary of Homeland Security may require.

1 (c) MATCHING FUNDS.—An eligible entity that re-
2 ceives a grant under this subsection shall provide a cash
3 contribution in an amount that is not less than 10 percent
4 of the amount of the grant.

5 (d) WAIVER.—The Secretary of Homeland Security
6 may waive or reduce the cash contribution required under
7 subsection (c) for eligible entities that demonstrate a need
8 for such a waiver or reduction.

9 (e) ELIGIBLE ENTITY DEFINED.—The term “eligible
10 entity” means—

- 11 (1) a State;
- 12 (2) a Tribal organization;
- 13 (3) an educational entity;
- 14 (4) a unit of local government; or
- 15 (5) a nongovernmental organization.

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to carry out sections 6 and 7 \$25,000,000 for each
19 of fiscal years 2019 through 2023.

20 (b) LIMITATION.—No funds authorized to be appro-
21 priated under this section may be used to train any indi-
22 vidual in the use of a firearm.

23 **SEC. 9. DEFINITIONS.**

24 In this Act:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means the Committee on Homeland Security
4 and the Committee on the Judiciary of the House of
5 Representatives and the Committee on Homeland
6 Security and Governmental Affairs and the Com-
7 mittee on the Judiciary of the Senate.

8 (2) DEFINITIONS RELATED TO CERTAIN EDU-
9 CATIONAL TERMS.—The terms “early childhood edu-
10 cation program”, “elementary school”, “local edu-
11 cational agency”, “secondary school”, and “State
12 educational agency” have the meanings given such
13 terms in section 8101 of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C. 7801).

15 (3) EDUCATIONAL ENTITIES.—The term “edu-
16 cational entities” means—

17 (A) a State educational agency;

18 (B) a local educational agency;

19 (C) an institution of higher education;

20 (D) an elementary school or secondary
21 school;

22 (E) an early childhood education program;

23 or

24 (F) a postsecondary vocational institution.

1 (4) FUSION CENTER.—The term “fusion cen-
2 ter” has the meaning given such term in section
3 210A(j)(1) of the Homeland Security Act of 2002 (6
4 U.S.C. 124h(j)(1)).

5 (5) INSTITUTION OF HIGHER EDUCATION.—The
6 term “institution of higher education” has the
7 meaning given such term in section 101 of the High-
8 er Education Act of 1965 (20 U.S.C. 1001).

9 (6) POSTSECONDARY VOCATIONAL INSTITU-
10 TION.—The term “postsecondary vocational institu-
11 tion” has the meaning given such term in section
12 102(c) of the Higher Education Act of 1965 (20
13 U.S.C. 1002(c)).

14 (7) STATE.—The term “State” means any
15 State of the United States, the District of Columbia,
16 the Commonwealth of Puerto Rico, the United
17 States Virgin Islands, Guam, American Samoa, and
18 the Commonwealth of the Northern Mariana Is-
19 lands.

20 (8) TARGETED VIOLENCE.—The term “targeted
21 violence” means any incident of predatory violence
22 with respect to which an identifiable individual or
23 group focuses an attack on a particular target.

24 (9) THREAT ASSESSMENT AND MANAGE-
25 MENT.—The term “threat assessment and manage-

1 ment” means the systematic and evidence-based
2 process of—

3 (A) identifying individuals who are exhib-
4 iting patterns of concerning behavior that indi-
5 cate an interest, motive, intention, or capability
6 of carrying out an act of violence;

7 (B) investigating and gathering informa-
8 tion from multiple sources to assess whether an
9 individual described in subparagraph (A) poses
10 a threat, based on articulable facts; and

11 (C) the subsequent management of such a
12 threat, if necessary.