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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2019

Mr. Babin (for himself and Mrs. Demings) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Threat Assessment, Prevention, and Safety Act of 2019”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) incidents of targeted violence are impacting our Nation frequently and indiscriminately;
(2) a collaborative, multi-disciplinary, and multi-jurisdictional behavioral threat assessment and management process on a Federal, State, local, and Tribal level complements the development of better methods for strategically preventing targeted violence in communities, including schools;

(3) the United States has the capability to rapidly develop behavioral threat assessment and management guidelines and best practices;

(4) the United States should encourage the sharing of such guidelines and best practices for streamlined and cohesive use across the United States;

(5) establishing such guidelines and best practices is an important step toward preventing targeted violence;

(6) such guidelines and best practices should account for different needs of communities across the United States; and

(7) it is in the national security interest of the United States to develop such guidelines and best practices.

SEC. 3. DEFINITIONS.

In this Act:
(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Appropriations, the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT.—The term “behavioral threat assessment and management” means the systematic and evidence-based process of—

(A) identifying individuals who are exhibiting patterns of concerning behavior that indicate an interest, motive, intention, or capability of carrying out an act of violence;

(B) investigating and gathering information from multiple sources to assess whether an individual described in subparagraph (A) poses a threat, based on articulable facts; and

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

(3) DEFINITIONS RELATED TO CERTAIN EDUCATIONAL TERMS.—The terms “early childhood edu-
cation program”, “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) EDUCATIONAL ENTITIES.—The term “educational entities” means—

(A) a State educational agency;

(B) a local educational agency;

(C) an institution of higher education;

(D) an elementary school or secondary school;

(E) an early childhood education program;

or

(F) a postsecondary vocational institution.

(5) FUSION CENTER.—The term “fusion center” has the meaning given the term in section 210A(j)(1) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)(1)).

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

(7) MENTAL HEALTH SERVICE PROFESSIONAL.—The term “mental health service profes-
SIONAL” has the meaning given the term in section 799B of the Public Health Service Act (42 U.S.C. 295p).

(8) NONGOVERNMENTAL ORGANIZATION.—The term “nongovernmental organization” means an organization that is not a Federal, State, or local governmental agency.

(9) POSTSECONDARY VOCATIONAL INSTITUTION.—The term “postsecondary vocational institution” has the meaning given such term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(10) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(11) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(12) TARGETED VIOLENCE.—The term “targeted violence” means any incident of predatory violence with respect to which an identifiable individual or group focuses an attack on a particular target.
SEC. 4. ESTABLISHMENT OF A JOINT BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT TASK FORCE.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish within the Department of Homeland Security a Joint Behavioral Threat Assessment and Management Task Force (referred to in this Act as the “Task Force”).

(b) Development of National Strategy.—

(1) In General.—It shall be the duty of the Task Force to provide recommendations to the appropriate committees of Congress and the Secretary on the development and implementation of a national strategy for preventing targeted violence through behavioral threat assessment and management (referred to in this Act as the “national strategy”).

(2) Requirement.—In developing the national strategy required under paragraph (1), the Task Force shall take into account the different needs of communities across the United States.

(3) Rule of Construction.—The national strategy developed under this subsection shall not be construed to be a national standard.

(c) Membership.—

(1) Composition.—
(A) IN GENERAL.—The Task Force shall be composed of not more than 24 members as follows:

(i) The Secretary or a designee with a position classified at GS–15 or above.

(ii) Not more than 2 representatives of a nongovernmental organization that is determined by the Secretary to have expertise in behavioral threat assessment and management.

(iii) Not more than 2 mental health service professionals with clinical experience who are determined by the Secretary to have expertise in behavioral threat assessment and management.

(iv) One State or local prosecutor who is determined by the Secretary to have expertise in behavioral threat assessment and management.

(v) Not more than 2 representatives from an educational entity who are determined by the Secretary to have expertise in behavioral threat assessment and management.
(vi) Not more than 2 representatives from local behavioral threat assessment and management units who are determined by the Secretary to have expertise in behavioral threat assessment and management.

(vii) Not more than 2 representatives from State behavioral threat assessment and management units who are determined by the Secretary to have expertise in behavioral threat assessment and management.

(viii) One expert in behavioral threat assessment and management appointed by the head of each of the following entities:

(I) The National Threat Assessment Center of the United States Secret Service.

(II) The Protective Intelligence and Assessment Division of the United States Secret Service.

(III) The Behavioral Analysis Unit–1 of the Critical Incident Response Group of the Federal Bureau of Investigation.
(IV) The Joint Terrorism Task Force of the Federal Bureau of Investigation.

(V) The Office of Protective Intelligence of the United States Marshals Service of the Department of Justice.

(VI) The Office on Violence Against Women of the Department of Justice.

(VII) The Naval Criminal Investigative Service of the Department of the Navy.

(VIII) The Threat Assessment Section of the United States Capitol Police.

(IX) The Department of Education.

(X) The Department of Health and Human Services.

(XI) The Department of Veterans Affairs.

(XII) The Office of Protective Intelligence Investigations of the Dip-
lomatic Security Service of the Department of State.

(B) REPRESENTATION.—If a member of the Task Force has expertise in more than 1 of the subject matter areas described in subparagraph (A), the member shall be considered a representative of only 1 subject matter area.

(2) CHAIRPERSON.—The Secretary shall appoint a chairperson of the Task Force.

(3) CONSULTATION.—The Task Force may, as the chairperson determines necessary, consult with experts in behavioral threat assessment and management from Federal, State, local, and Tribal government agencies and private entities.

(4) TERM OF MEMBERSHIP.—

(A) TERM OF MEMBERS.—Members of the Task Force shall serve until the head of the respective entity of the member appoints a new representative to the Task Force.

(B) TERM OF CHAIRPERSON.—The chairperson shall serve until the Secretary appoints a new chairperson.

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

(d) Operating Rules and Procedures.—

(1) Rules and procedures.—Any member of the Task Force may propose to develop or change existing operating rules and procedures of the Task Force consistent with the functions of the Task Force. Any change to such operating rules and procedures shall be adopted upon a majority vote of the Task Force.

(2) Findings and Solutions.—The Task Force shall adopt recommendations for the implementation of the national strategy only upon a majority vote of the Task Force.

(3) Voting.—Each member of the Task Force shall have one vote.

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

(e) Staff Director and Staff.—

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

(3) **Applicability of certain civil service laws.**—The staff of the Task Force shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(4) **Experts and consultants.**—The Task Force and the staff director, acting with the approval of the Task Force, may procure temporary and intermittent services pursuant to section 3109(b) of title 5, United States Code.

(5) **Staff of federal agencies.**—Upon the request of the Secretary, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such Federal department or agency to the Task Force to assist it in carrying out the duties of the Task Force under this section.

(f) **Powers of the Task Force.**—Any member of the Task Force may, if authorized by the Task Force, take
any action which the Task Force is authorized to take by this section.

(g) Obtaining Official Data.—Subject to applicable privacy laws and regulations, the Task Force may secure directly from any Federal department or agency information necessary to enable it to carry out the duties of the Task Force under this section. Upon request of the chairperson of the Task Force, the head of such Federal department or agency shall furnish such information to the Task Force.

(h) Administrative Support Services.—Upon the request of the Task Force, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out the duties of the Task Force under this section.

(i) Contract Authority.—To the extent and in the amounts made available in advance in appropriations Acts, the Task Force may contract with and compensate State, local, and Tribal government agencies and private entities or persons for services necessary to carry out the duties of the Task Force under this section.

(j) Report.—Not later than 120 days after the date of enactment of this Act, the Task Force shall submit to the appropriate committees of Congress and the Secretary
a report on recommendations related to the national strategy, including recommendations for the development and implementation of the national strategy.

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

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $1,000,000 for fiscal year 2020.

SEC. 5. CONTENTS OF NATIONAL STRATEGY RECOMMENDATIONS.

The national strategy recommendations required to be provided by the Task Force under section 4(j) shall include each of the following:

(1) EXISTING INFRASTRUCTURE PLANS.—Recommendations relating to the most effective use of existing Federal, State, local, and Tribal infrastructure, workforce, and experience, including—

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

(B) a model behavioral threat assessment and management process.

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

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

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

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

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

(3) Training Program.—Recommendations relating to a Behavioral Threat Assessment and Management Training Program, which may train officers and employees of Federal, State, local, and Tribal government agencies and private entities in community-based, multi-disciplinary, and multi-juris-
dictional behavioral threat assessment and manage-
ment, including—

(A) integrated operations;

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

(C) disseminating published evidence-based research materials on targeted violence prevention through behavioral threat assessment and management.

(4) SCHOOL VIOLENCE PREVENTION PRO-
gram.—Recommendations relating to a Behavioral Threat Assessment and Management School Violence Prevention Program for educational entities, which shall—

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

(B) consult on real-world complex behavioral threat assessment and management cases or programs;
(C) support collaboration between educational entity behavioral threat assessment and management units; and

(D) disseminate to educational entities published research materials on behavioral threat assessment and management and the prevention of targeted violence within educational entities.

(5) Mental health service professional assessment.—Recommendations relating to the involvement of mental health service professionals to collaborate, advise, and consult in a behavioral threat assessment process, as permitted under applicable Federal and State law.

SEC. 6. DEVELOPMENT OF NATIONAL STRATEGY.

(a) National Strategy Development.—

(1) In general.—The Secretary shall develop a national strategy relating to behavioral threat assessment and management and consider the recommendations made by the Task Force pursuant to section 5 in the development of such strategy.

(2) Requirement.—In developing the national strategy required under paragraph (1), the Secretary shall account for diverse needs and existing resources of different communities.
(b) Effective Date.—The national strategy required under subsection (a) shall take effect 180 days after the date of enactment of this Act, unless Congress enacts a joint resolution of disapproval of the national strategy during such 180-day period.

SEC. 7. IMPLEMENTATION OF THE NATIONAL STRATEGY.

(a) In General.—Beginning on the date that the national strategy takes effect under section 6(b), the Secretary shall implement the national strategy and provide information and training services related to the national strategy at the request of any Federal, State, local, or Tribal government agency or private entity with protective or public safety responsibilities.

(b) Consultation.—In implementing the national strategy, the Secretary may consult with Federal, State, local, and Tribal government agencies and private entities.

(c) Appointment of High-Level Official.—

(1) In General.—The Secretary shall designate a senior official within the Department of Homeland Security to be responsible for coordinating the implementation of the national strategy.

(2) Duties.—The duties of the official designated pursuant to paragraph (1) shall include the following:
(A) Acting as a liaison between each Federal agency, as well as any State, local, or Tribal government agency or private entity with protective or public safety responsibilities regarding the implementation and coordination of the strategy.

(B) Being knowledgeable about budget priorities and familiar with all efforts within the Department of Homeland Security and the Federal Government related to the strategy.

(d) CONTRACTING SERVICES.—The Secretary shall enter into contracts with public agencies or private entities with expertise in behavioral threat assessment and management to assist with the implementation of the national strategy.

(e) WEBSITE.—The Secretary shall develop and publish an interactive public website to publicize information and data on evidence-based best practices in behavioral threat assessment and management, except that such website may not include law enforcement sensitive or classified data or processes and sources.

(f) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the appropriate committees of Congress a report on any action taken to
implement the national strategy, which shall include the following:

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

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

(3) Information relating to the number of entities participating in the Behavioral Threat Assessment and Management Training Program under section 5(3).

(4) Information relating to the number of educational entities participating in the Behavioral Threat Assessment and Management School Violence Prevention Program under section 5(4).

(5) Information relating to the number of Federal, State, local, and Tribal law enforcement entities participating in the Behavioral Threat Assessment and Management Unit Support Program under section 5(2).

(6) Information relating to the number of States participating in the Behavioral Threat Assessment and Management Grant Program under section 8.
(7) A formal evaluation conducted by the Homeland Security Studies and Analysis Institute of the Department of Homeland Security studying the implementation and effectiveness of the national strategy.

(8) Information relating to the level of cooperation between Federal Government agencies in the implementation of the strategy.

(9) An assessment of future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and Tribal government agency efforts to combat targeted violence through behavioral threat assessment and management.

(10) A detailed accounting of the use of the waiver authority described in section 8(d).

(g) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall brief the appropriate committees of Congress on the progress, changes, and other developments with respect to implementing the national strategy.

SEC. 8. BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall award grants to eligible entities to establish community-based behavioral
threat assessment and management units that implement
the national strategy.

(b) APPLICATION.—To receive a grant under this
subsection, an eligible entity shall submit an application
to the Secretary at such time, in such manner, and con-
taining such information as the Secretary may require.

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

(d) WAIVER.—The Secretary may waive or reduce the
cash contribution required under subsection (c) for eligible
entities that demonstrate a need for such a waiver or re-
duction.

(e) ELIGIBLE ENTITY DEFINED.—In this section, the
term “eligible entity” means—

(1) a State;

(2) a Tribal organization;

(3) an educational entity;

(4) a unit of local government; or

(5) a nongovernmental organization.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appro-
priated to carry out sections 7 and 8 $25,000,000 for each
of fiscal years 2020 through 2024.
(b) LIMITATION.—No funds authorized to be appropriated under this section may be used to—

(1) train any individual in the use of a firearm;

or

(2) encourage or discourage the otherwise legal ownership and use of firearms.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this Act may be construed to preclude or contradict any other provision of law authorizing the provision of firearms or training in the use of firearms.