

January 23, 2019

RE: Vote “NO” on H.R. 480, the Homeland Threat Assessment Act

Dear Representative,

On behalf of the American Civil Liberties Union and our more than 3 million members, supporters and activists, we strongly urge you to vote “NO” on H.R. 480, the Homeland Threat Assessment Act. This bill would result in regular reports to Congress, based on information collected through fusion centers and other collection points, despite the long record of fusion centers collecting and storing false and unreliable information on individuals.



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H.R. 480 provides no statutory standards for the collection, retention, review, transmittal, or publication of sensitive information on individuals in the United States and of United States persons abroad. Many sources of this information, including fusion centers run by the Department of Homeland Security (DHS) specified in the bill, have regularly produced false and misleading information. With no protection against “garbage in/garbage out” of data collection and analysis, H.R. 480 could cause significant privacy and other due process harms, including to American citizens.

H.R. 480 raises significant concerns on further codification of the use of already problematic fusion centers and the sharing of such potentially inaccurate information with congressional committees—and even with the public more broadly. Fusion centers have long been clouded in secrecy, collecting and disseminating so-called intelligence without safeguards to protect the rights of American citizens and others in the United States.¹ In fact, in 2012, the Senate Homeland Security Committee issued a bipartisan seminal report documenting the failure of these centers to provide “useful information.”² This report catalogued fusion centers’ civil rights abuses, including endangering the civil liberties and privacy protections of Americans.³ Since 2012, little has changed regarding fusion centers, and they have instead served as surveillance and information sharing mechanisms that regularly result in false leads, and disproportionate targeting of immigrant communities, people of color, and lower income people.⁴

Despite the continuing concerns regarding surveillance and civil rights and

¹ Mike German and Jay Stanley, Fusion Center Update, ACLU (July 2008) *available at* https://www.aclu.org/files/pdfs/privacy/fusion_update_20080729.pdf.

² Federal Support for and Involvement in State and Local Fusion Centers, Committee on Homeland Security and Governmental Affairs, U.S. Senate (Oct. 3, 2012) *available at* <https://www.hsgac.senate.gov/imo/media/doc/10-3-2012%20PSI%20STAFF%20REPORT%20re%20FUSION%20CENTERS.2.pdf>.

³ *Id.*

⁴ Nasser Eledroos, Oops—Did Police Accidentally Reveal Unconstitutional Surveillance When They Tweeted a Screenshot?, ACLU of Massachusetts (Oct. 11, 2018) *available at* <https://www.aclu.org/blog/free-speech/rights-protesters/oops-did-police-accidentally-reveal-unconstitutional-surveillance>.

privacy abuses as well as their ineffectiveness, H.R. 480 requires the use of information gathered by fusion centers and provides no standards on what information will be shared with congressional committees or released in public reports. This bill fails to include any statutory requirements to ensure that false or misleading information on individuals is not collected, retained, or shared, but instead provides vague requirements for the production and transmittal of a report to Congress—without providing any statutory due process and privacy protections. The likely result will be “garbage in/garbage out” reports, with privacy and due process harms to American citizens and others in the United States.

We strongly urge you to vote “NO” on H.R. 480 and avoid further harm to important privacy and due process rights. If you have any questions, please feel free to contact Manar Waheed (mwaheed@aclu.org).

Sincerely,



Faiz Shakir
National Political Director



Manar Waheed
Senior Legislative and Advocacy Counsel