

112TH CONGRESS  
1ST SESSION

# H. R. 495

To amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. WALSH of Illinois, Mr. MEEHAN, Mr. QUAYLE, Mr. LONG, Mr. MARINO, Mr. FARENTHOLD, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response.

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 “See Something, Say  
5 Something Act of 2011”.

1 **SEC. 2. AMENDMENT TO THE HOMELAND SECURITY ACT OF**  
2 **2002.**

3 (a) IN GENERAL.—Subtitle H of title VIII of the  
4 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
5 is amended by adding at the end the following:

6 **“SEC. 890. IMMUNITY FOR REPORTS OF SUSPECTED TER-**  
7 **RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR**  
8 **AND RESPONSE.**

9 “(a) IMMUNITY FOR REPORTS OF SUSPECTED TER-  
10 RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RE-  
11 SPONSE.—

12 “(1) IN GENERAL.—Any person who, in good  
13 faith and based on objectively reasonable suspicion,  
14 makes, or causes to be made, a voluntary report of  
15 covered activity to an authorized official shall be im-  
16 mune from civil liability under Federal, State, and  
17 local law for such report.

18 “(2) FALSE REPORTS.—Paragraph (1) shall not  
19 apply to any report that the person knew to be false  
20 or was made with reckless disregard for the truth at  
21 the time that the person made that report.

22 “(b) IMMUNITY FOR RESPONSE.—

23 “(1) IN GENERAL.—Any authorized official who  
24 observes, or receives a report of, covered activity and  
25 takes reasonable action in good faith to respond to  
26 such activity shall have qualified immunity from civil

1 liability for such action, consistent with applicable  
2 law in the relevant jurisdiction. An authorized offi-  
3 cial as defined by subsection (d)(1)(A) not entitled  
4 to assert the defense of qualified immunity shall  
5 nonetheless be immune from civil liability under  
6 Federal, State, and local law if such authorized offi-  
7 cial takes reasonable action, in good faith, to re-  
8 spond to the reported activity.

9 “(2) SAVINGS CLAUSE.—Nothing in this sub-  
10 section shall—

11 “(A) affect the ability of any authorized of-  
12 ficial to assert any defense, privilege, or immu-  
13 nity that would otherwise be available; and

14 “(B) be construed as affecting any such  
15 defense, privilege, or immunity.

16 “(c) ATTORNEY FEES AND COSTS.—Any authorized  
17 official or other person found to be immune from civil li-  
18 ability under this section shall be entitled to recover from  
19 the plaintiff all reasonable costs and attorney fees.

20 “(d) DEFINITIONS.—In this section:

21 “(1) AUTHORIZED OFFICIAL.—The term ‘au-  
22 thorized official’ means—

23 “(A) any officer, employee, or agent of the  
24 Federal Government with responsibility for pre-

1 venting, protecting against, disrupting, or re-  
2 sponding to a covered activity; or

3 “(B) any Federal, State, or local law en-  
4 forcement officer.

5 “(2) COVERED ACTIVITY.—The term ‘covered  
6 activity’ means any suspicious transaction, activity,  
7 or occurrence indicating that an individual may be  
8 engaging, or preparing to engage, in a violation of  
9 law relating to an act of terrorism (as that term is  
10 defined in section 3077 of title 18, United States  
11 Code).”.

12 (b) AMENDMENT TO THE TABLE OF CONTENTS.—  
13 The table of contents for the Homeland Security Act of  
14 2002 is amended by inserting at the end of the items relat-  
15 ing to subtitle H of title VIII the following new item:

“Sec. 890. Immunity for reports of suspected terrorist activity or suspicious be-  
havior and response.”.

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