

Calendar No. 437

116TH CONGRESS
2^D SESSION**H. R. 1589****[Report No. 116–222]**

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2019

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

MARCH 2, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

To amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CBRN Intelligence and
3 Information Sharing Act of 2019”.

4 **SEC. 2. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NU-**
5 **CLEAR INTELLIGENCE AND INFORMATION**
6 **SHARING.**

7 (a) IN GENERAL.—Subtitle A of title II of the Home-
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
9 ed by inserting after section 210E the following new sec-
10 tion:

11 **“SEC. 210F. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**
12 **NUCLEAR INTELLIGENCE AND INFORMATION**
13 **SHARING.**

14 “(a) IN GENERAL.—The Office of Intelligence and
15 Analysis of the Department of Homeland Security shall—

16 “(1) support homeland security-focused intel-
17 ligence analysis of terrorist actors, their claims, and
18 their plans to conduct attacks involving chemical, bi-
19 ological, radiological, or nuclear materials against
20 the United States, including critical infrastructure;

21 “(2) support homeland security-focused intel-
22 ligence analysis of global infectious disease, public
23 health, food, agricultural, and veterinary issues;

24 “(3) support homeland security-focused risk
25 analysis and risk assessments of the homeland secu-
26 rity hazards described in paragraphs (1) and (2), in-

1 including the transportation of chemical, biological,
2 nuclear, and radiological materials, by providing rel-
3 evant quantitative and nonquantitative threat infor-
4 mation;

5 “(4) leverage existing and emerging homeland
6 security intelligence capabilities and structures to
7 enhance early detection, prevention, protection, re-
8 sponse, and recovery efforts with respect to a chem-
9 ical, biological, radiological, or nuclear attack;

10 “(5) share information and provide tailored an-
11 alytical support on such threats to State, local, Trib-
12 al, and territorial authorities, and other Federal
13 agencies, as well as relevant national biosecurity and
14 biodefense stakeholders, as appropriate; and

15 “(6) perform other responsibilities, as assigned
16 by the Secretary.

17 “(b) COORDINATION.—Where appropriate, the Office
18 of Intelligence and Analysis shall coordinate with other
19 relevant Department components, including the Coun-
20 tering Weapons of Mass Destruction Office and the Na-
21 tional Biosurveillance Integration Center, agencies within
22 the intelligence community, including the National
23 Counter Proliferation Center, and other Federal, State,
24 local, Tribal, and territorial authorities, including officials
25 from high-threat urban areas, State and major urban area

1 fusion centers, and local public health departments, as ap-
 2 propriate, and enable such entities to provide rec-
 3 ommendations on optimal information sharing mecha-
 4 nisms, including expeditious sharing of classified informa-
 5 tion, and on how such entities can provide information to
 6 the Department.

7 “(c) DEFINITIONS.—In this section:

8 “(1) INTELLIGENCE COMMUNITY.—The term
 9 ‘intelligence community’ has the meaning given such
 10 term in section 3(4) of the National Security Act of
 11 1947 (50 U.S.C. 3003(4)).

12 “(2) NATIONAL BIOSECURITY AND BIODEFENSE
 13 STAKEHOLDERS.—The term ‘national biosecurity
 14 and biodefense stakeholders’ means officials from
 15 Federal, State, local, Tribal, and territorial authori-
 16 ties and individuals from the private sector who are
 17 involved in efforts to prevent, protect against, re-
 18 spond to, and recover from a biological attack or
 19 other phenomena that may have serious health con-
 20 sequences for the United States, including infectious
 21 disease outbreaks.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
 23 in section 1(b) of the Homeland Security Act of 2002 is
 24 amended by inserting after the item relating to section
 25 201E the following new item:

“Sec. 210F. Chemical, biological, radiological, and nuclear intelligence and information sharing.”.

1 ~~(c) REPORT.—~~

2 ~~(1) IN GENERAL.—~~Not later than one year
3 after the date of the enactment of this Act and an-
4 nually thereafter for each of the following four years,
5 the Secretary of Homeland Security shall report to
6 the appropriate congressional committees on the fol-
7 lowing:

8 ~~(A)~~ The intelligence and information shar-
9 ing activities under section 210F of the Home-
10 land Security Act of 2002 (as added by sub-
11 section (a) of this section) and of all relevant
12 entities within the Department of Homeland
13 Security to counter the threat from attacks
14 using chemical, biological, radiological, or nu-
15 clear materials.

16 ~~(B)~~ The Department’s activities in accord-
17 ance with relevant intelligence strategies.

18 ~~(2) ASSESSMENT OF IMPLEMENTATION.—~~The
19 reports required under paragraph (1) shall include
20 the following:

21 ~~(A)~~ An assessment of the progress of the
22 Office of Intelligence and Analysis of the De-
23 partment of Homeland Security in imple-
24 menting such section 210F.

1 (B) A description of the methods estab-
2 lished to carry out such assessment.

3 (3) DEFINITION.—In this subsection, the term
4 “appropriate congressional committees” means the
5 Committee on Homeland Security of the House of
6 Representatives and the Committee on Homeland
7 Security and Governmental Affairs of the Senate
8 and any committee of the House of Representatives
9 or the Senate having legislative jurisdiction under
10 the rules of the House of Representatives or Senate,
11 respectively, over the matter concerned.

12 **SEC. 3. DISSEMINATION OF INFORMATION ANALYZED BY**
13 **THE DEPARTMENT TO STATE, LOCAL, TRIB-**
14 **AL, TERRITORIAL, AND PRIVATE ENTITIES**
15 **WITH RESPONSIBILITIES RELATING TO**
16 **HOMELAND SECURITY.**

17 Paragraph (6) of section 201(d) of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 121(d)) is amended by strik-
19 ing “and to agencies of State” and all that follows through
20 the period at the end and inserting “to State, local, Tribal,
21 territorial, and private entities with such responsibilities,
22 and, as appropriate, to the public, in order to assist in
23 preventing, deterring, or responding to acts of terrorism
24 against the United States.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “CBRN Intelligence and*
3 *Information Sharing Act of 2019”.*

4 **SEC. 2. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NU-**
5 **CLEAR INTELLIGENCE AND INFORMATION**
6 **SHARING.**

7 *(a) IN GENERAL.—Subtitle A of title II of the Home-*
8 *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*
9 *by inserting after section 210E the following:*

10 **“SEC. 210F. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**
11 **NUCLEAR INTELLIGENCE AND INFORMATION**
12 **SHARING.**

13 *“(a) IN GENERAL.—The Secretary, acting through the*
14 *Undersecretary for Intelligence and Analysis, and working*
15 *with the intelligence components of the Department, shall—*

16 *“(1) coordinate the analysis of the intentions, ca-*
17 *pabilities, and plans of individuals or organizations*
18 *threatening or preparing to conduct attacks against*
19 *the homeland (including key resources and critical in-*
20 *frastructure of the United States) involving the use of*
21 *chemical, biological, radiological, or nuclear mate-*
22 *rials, devices, or agents;*

23 *“(2) coordinate the analysis of threats to home-*
24 *land security from global infectious disease and other*
25 *food, agricultural, or veterinary threats to public*
26 *health;*

1 “(3) ensure the integration of the analysis de-
2 scribed in paragraphs (1) and (2) with assessments of
3 the vulnerability of and risks to the people, territory,
4 key resources, and critical infrastructure of the
5 United States from chemical, biological, nuclear, and
6 radiological materials, devices, or agents;

7 “(4) leverage existing and emerging homeland se-
8 curity intelligence capabilities and structures to—

9 “(A) plan for, detect, and protect against
10 the importation, possession, storage, transpor-
11 tation, development, or use of unauthorized
12 chemical, biological, radiological, or nuclear ma-
13 terials, devices, or agents in the United States;
14 and

15 “(B) protect against an attack using such
16 materials, devices, or agents against the people,
17 territory, or interests of the United States;

18 “(5) share information and provide tailored ana-
19 lytical support on these threats to State, local, Tribal
20 authorities and other Federal agencies, as appro-
21 priate; and

22 “(6) perform other responsibilities, as assigned
23 by the Secretary.

24 “(b) COORDINATION.—Where appropriate, the Under-
25 secretary for Intelligence and Analysis shall—

1 “(1) coordinate with—

2 “(A) other Departmental components, in-
3 cluding the Countering Weapons of Mass De-
4 struction Office, the Cybersecurity and Infra-
5 structure Security Agency, the Science and Tech-
6 nology Directorate; and

7 “(B) other Federal, State, local, and Tribal
8 entities, including officials from high-threat
9 urban areas, State and major urban area fusion
10 centers, and local public health departments; and

11 “(2) enable such components and entities to pro-
12 vide recommendations on—

“(A) *optimal information sharing mechanisms, including expeditious sharing of classified information; and*

16 “(B) how such components and entities can
17 provide information to the Undersecretary and
18 other components of the Department.

19 “(c) *DEFINITION.*—In this section, the term ‘fusion
20 center’ has the meaning given the term in section 210A.”.

(b) *CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 210E the following:*

“Sec. 210F. Chemical, biological, radiological, and nuclear intelligence and information sharing.”.

1 (c) *REPORT.*—

2 (1) *IN GENERAL.*—Not later than 1 year after
3 the date of enactment of this Act and annually there-
4 after, the Secretary of Homeland Security shall report
5 to the appropriate congressional committees on—

6 (A) the intelligence and information shar-
7 ing activities under section 210F of the Home-
8 land Security Act of 2002 (as added by sub-
9 section (a) of this section) and of all relevant en-
10 tities within the Department of Homeland Secu-
11 rity to counter the threat from global infectious
12 disease and attacks using chemical, biological,
13 radiological, or nuclear materials, devices, or
14 agents; and

15 (B) the Department's activities in accord-
16 ance with relevant intelligence strategies.

17 (2) *ASSESSMENT OF IMPLEMENTATION.*—The re-
18 ports required under paragraph (1) shall include—

19 (A) an assessment of the progress of the De-
20 partment of Homeland Security in imple-
21 menting such section 210F; and

22 (B) a description of the methods established
23 to carry out such assessment.

1 (3) *TERMINATION.*—*This subsection shall termi-*
2 *nate on the date that is 5 years after the date of en-*
3 *actment of this Act.*

4 (4) *DEFINITION.*—*In this subsection, the term*
5 *“appropriate congressional committees” means the*
6 *Committee on Homeland Security of the House of*
7 *Representatives and the Committee on Homeland Se-*
8 *curity and Governmental Affairs of the Senate and*
9 *any committee of the House of Representatives or the*
10 *Senate having legislative jurisdiction under the rules*
11 *of the House of Representatives or Senate, respec-*
12 *tively, over the matter concerned.*

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