

117TH CONGRESS
1ST SESSION

H. R. 397

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CBRN Intelligence and
5 Information Sharing Act of 2021”.

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

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

13 **“SEC. 210H. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**
14 **NUCLEAR INTELLIGENCE AND INFORMATION**
15 **SHARING.**

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

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

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

1 “(3) support homeland security-focused risk
2 analysis and risk assessments of the homeland secu-
3 rity hazards described in paragraphs (1) and (2), in-
4 cluding the transportation of chemical, biological,
5 nuclear, and radiological materials, by providing rel-
6 evant quantitative and nonquantitative threat infor-
7 mation;

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

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

18 “(6) perform other responsibilities, as assigned
19 by the Secretary.

20 “(b) COORDINATION.—Where appropriate, the Office
21 of Intelligence and Analysis shall coordinate with other
22 relevant Department components, including the Coun-
23 tering Weapons of Mass Destruction Office and the Na-
24 tional Biosurveillance Integration Center, agencies within
25 the intelligence community, including the National

1 Counter Proliferation Center, and other Federal, State,
2 local, Tribal, and territorial authorities, including officials
3 from high-threat urban areas, State and major urban area
4 fusion centers, and local public health departments, as ap-
5 propriate, and enable such entities to provide rec-
6 ommendations on optimal information sharing mecha-
7 nisms, including expeditious sharing of classified informa-
8 tion, and on how such entities can provide information to
9 the Department.

10 “(c) DEFINITIONS.—In this section:

11 “(1) INTELLIGENCE COMMUNITY.—The term
12 ‘intelligence community’ has the meaning given such
13 term in section 3(4) of the National Security Act of
14 1947 (50 U.S.C. 3003(4)).

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

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 201E the following new item:

“Sec. 210H. Chemical, biological, radiological, and nuclear intelligence and in-
formation sharing.”.

5 (c) REPORT.—

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

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

20 (B) The Department’s activities in accord-
21 ance with relevant intelligence strategies.

22 (2) ASSESSMENT OF IMPLEMENTATION.—The
23 reports required under paragraph (1) shall include
24 the following:

1 (A) An assessment of the progress of the
2 Office of Intelligence and Analysis of the De-
3 partment of Homeland Security in imple-
4 menting such section 210F.

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

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

16 **SEC. 3. DISSEMINATION OF INFORMATION ANALYZED BY**
17 **THE DEPARTMENT TO STATE, LOCAL, TRIB-**
18 **AL, TERRITORIAL, AND PRIVATE ENTITIES**
19 **WITH RESPONSIBILITIES RELATING TO**
20 **HOMELAND SECURITY.**

21 Paragraph (6) of section 201(d) of the Homeland Se-
22 curity Act of 2002 (6 U.S.C. 121(d)) is amended by strik-
23 ing “and to agencies of State” and all that follows through
24 the period at the end and inserting “to State, local, tribal,
25 territorial, and private entities with such responsibilities,

1 and, as appropriate, to the public, in order to assist in
2 preventing, deterring, or responding to acts of terrorism
3 against the United States.”.

Passed the House of Representatives April 20, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.