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H. R. 9668

IN THE SENATE OF THE UNITED STATES

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

AN ACT

To establish in the Department of Homeland Security a working group relating to countering terrorist, cybersecurity, border and port security, and transportation security threats posed to the United States by the Chinese Communist Party, 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 “Strategic Homeland
3 Intelligence and Enforcement Legislation to Defend
4 against the CCP Act” or the “SHIELD Against CCP
5 Act”.

6 **SEC. 2. WORKING GROUP TO COUNTER CERTAIN THREATS**
7 **POSED TO THE UNITED STATES BY THE CHI-**
8 **NESE COMMUNIST PARTY.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Homeland Security shall establish in the
13 Department of Homeland Security a working group
14 (in this section referred to as the “Working
15 Group”), which shall carry out the duties specified
16 in subsection (b) relating to countering terrorist, cy-
17 bersecurity, border and port security, and transpor-
18 tation security threats posed to the United States by
19 the Chinese Communist Party.

20 (2) DIRECTOR.—

21 (A) APPOINTMENT.—The head of the
22 Working Group shall be a Director (in this sec-
23 tion referred to as the “Director”), who shall be
24 appointed by the Secretary of Homeland Secu-
25 rity.

1 (B) REPORTING.—The Director shall re-
2 port to the Secretary of Homeland Security re-
3 garding all administrative, operational, and se-
4 curity matters of the Working Group.

5 (3) STAFFING.—The Secretary of Homeland
6 Security shall ensure the Working Group is provided
7 with the following:

8 (A) A sufficient number of employees to
9 perform required duties.

10 (B) Not fewer than one employee dedicated
11 to ensuring compliance with privacy laws and
12 regulations.

13 (4) DETAILEES.—The Working Group may ac-
14 cept and employ detailees with expertise in coun-
15 tering terrorist, cybersecurity, border and port secu-
16 rity, and transportation security threats posed by
17 the Chinese Communist Party to the United States,
18 or in related fields, from any element of the intel-
19 ligence community or any other Federal agency the
20 Director determines appropriate, with or without re-
21 imbursement, consistent with applicable laws and
22 regulations regarding such employees.

23 (b) DUTIES.—The Working Group shall carry out the
24 following:

1 (1) Examine, assess, and report upon efforts by
2 the Department of Homeland Security to counter
3 terrorist, cybersecurity, border and port security,
4 and transportation security threats posed to the
5 United States by the Chinese Communist Party, in-
6 cluding efforts to counter the Chinese Communist
7 Party’s—

8 (A) nontraditional tactics and exploitation
9 of the United States immigration system
10 through—

11 (i) identity theft;

12 (ii) the immigrant and nonimmigrant
13 visa processes;

14 (iii) unlawful border crossings;

15 (iv) human smuggling; and

16 (v) human trafficking;

17 (B) predatory economic and trade prac-
18 tices, including the trafficking of counterfeit
19 and pirated goods, the use of forced labor, labor
20 exploitation for financial gain, customs fraud,
21 and theft of intellectual property and tech-
22 nology;

23 (C) direct or indirect support for
24 transnational criminal organizations trafficking

1 in fentanyl, illicit drug precursors, or other con-
2 trolled substances through—

- 3 (i) the United States border;
- 4 (ii) international mail shipments; or
- 5 (iii) express consignment operations;

6 and

7 (D) support for illicit financial activity by
8 Chinese Money Laundering Organizations, in-
9 cluding any repatriation to China or any other
10 country of the proceeds derived from the activi-
11 ties described in subparagraphs (A) through
12 (C).

13 (2) Account for the resources of the Depart-
14 ment that are dedicated to programs aimed at coun-
15 tering terrorist, cybersecurity, border and port secu-
16 rity, and transportation security threats posed to the
17 United States by the Chinese Communist Party, and
18 any supporting information as to the efficacy of each
19 such program.

20 (3) Build upon existing or ongoing evaluations
21 and avoid unnecessary duplication by reviewing the
22 findings, conclusions, and recommendations of other
23 appropriate working groups, committees, commis-
24 sions, or entities established by the Department re-
25 lated to efforts to counter terrorist, cybersecurity,

1 border and port security, and transportation security
2 threats posed to the United States by the Chinese
3 Communist Party.

4 (4) Identify gaps in policies, processes, and ac-
5 tivities of the Department to respond to terrorist,
6 cybersecurity, border and port security, and trans-
7 portation security threats posed to the United States
8 by the Chinese Communist Party.

9 (5) Facilitate cooperation and coordination
10 among offices and components of the Department on
11 a holistic response to countering terrorist, cybersecu-
12 rity, border and port security, and transportation se-
13 curity threats posed to the United States by the Chi-
14 nese Communist Party.

15 (c) ADDITIONAL DUTY RELATING TO INFORMATION
16 SHARING.—The Working Group shall review, in coordina-
17 tion with the Office of Intelligence and Analysis of the De-
18 partment of Homeland Security, information relating to
19 terrorist, cybersecurity, border and port security, and
20 transportation security threats posed to the United States
21 by the Chinese Communist Party that is gathered by Fed-
22 eral, State, local, Tribal, and territorial partners, and the
23 National Network of Fusion Centers, and incorporate such
24 information, as appropriate, into the Working Group’s
25 own information relating to such threats. The Working

1 Group, in coordination with the Office of Intelligence and
2 Analysis, shall also ensure the dissemination to Federal,
3 State, local, Tribal, and territorial partners, and the Na-
4 tional Network of Fusion Centers, of information related
5 to such threats.

6 (d) ANNUAL ASSESSMENTS.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this section and
9 annually thereafter for five years, the Secretary of
10 Homeland Security, in coordination with the Under
11 Secretary for Intelligence and Analysis of the De-
12 partment of Homeland Security, the Director of the
13 Federal Bureau of Investigation, and the Director of
14 National Intelligence, shall submit to the appro-
15 priate congressional committees a report that as-
16 sesses terrorist, cybersecurity, border and port secu-
17 rity, and transportation security threats posed to the
18 United States by the Chinese Communist Party dur-
19 ing the immediately preceding 12 months.

20 (2) CONTENTS.—Each assessment under para-
21 graph (1) shall also include the following:

22 (A) A description of the activities and op-
23 erations of the Working Group undertaken pur-
24 suant to subsection (b).

1 (B) Any other matters the Secretary of
2 Homeland Security determines relevant.

3 (3) FORM.—Each assessment under paragraph
4 (1) shall be submitted in unclassified form, but may
5 include a classified annex. The Secretary of Home-
6 land Security shall post on a publicly available
7 website of the Department of Homeland Security the
8 unclassified portion of each assessment.

9 (4) BRIEFING.—Not later than 30 days after
10 the submission of each assessment under paragraph
11 (1), the Secretary of Homeland Security shall pro-
12 vide to the appropriate congressional committees a
13 briefing on such assessment and the progress and
14 challenges of the Working Group.

15 (e) COMPTROLLER GENERAL REVIEW.—Not later
16 than one year after the date of the enactment of this Act,
17 the Comptroller General of the United States shall submit
18 to the appropriate congressional committees a report on
19 the implementation of this section.

20 (f) RESEARCH AND DEVELOPMENT.—Not later than
21 one year after the date of the enactment of this Act, the
22 Secretary of Homeland Security, in coordination with the
23 Director and the Under Secretary for Science and Tech-
24 nology of the Department of Homeland Security, shall, to
25 the extent practicable, carry out research and develop-

1 ment, including operational testing, of technologies and
2 techniques for enhancing the Department’s security and
3 situational awareness relating to countering terrorist, cy-
4 bersecurity, border and port security, and transportation
5 security threats posed to the United States by the Chinese
6 Communist Party.

7 (g) IMPLEMENTATION.—All activities carried out
8 pursuant to this section—

9 (1) shall be carried out in accordance with ap-
10 plicable constitutional, privacy, civil rights, and civil
11 liberties protections; and

12 (2) may not infringe upon the lawful exercise of
13 free speech by United States persons.

14 (h) SUNSET.—The Working Group shall terminate on
15 the date that is seven years after the establishment of the
16 Working Group under subsection (a)(1).

17 (i) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) in the House of Representatives—

22 (i) the Committee on Homeland Secu-
23 rity;

24 (ii) the Committee on Ways and
25 Means;

- 1 (iii) the Committee on Financial Serv-
2 ices;
3 (iv) the Committee on the Judiciary;
4 and
5 (v) the Committee on Foreign Affairs;
6 and
7 (B) in the Senate—
8 (i) the Committee on Homeland Secu-
9 rity and Governmental Affairs;
10 (ii) the Committee on Banking, Hous-
11 ing, and Urban Affairs;
12 (iii) the Committee on Finance;
13 (iv) the Committee on the Judiciary;
14 and
15 (v) the Committee on Foreign Rela-
16 tions.

17 (2) FUSION CENTER.—The term “fusion cen-
18 ter” has the meaning given such term in subsection
19 (k) of section 210A of the Homeland Security Act
20 of 2002 (6 U.S.C. 124h).

21 (3) INTELLIGENCE COMMUNITY.—The term
22 “intelligence community” has the meaning given
23 such term in section 3(4) of the National Security
24 Act of 1947 (50 U.S.C. 3003(4)).

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