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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. STRONG introduced the following bill; which was referred to the Committee on _____

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strategic Homeland
5 Intelligence and Enforcement Legislation to Defend

1 against the CCP Act” or the “SHIELD Against CCP
2 Act”.

3 **SEC. 2. WORKING GROUP TO COUNTER CERTAIN THREATS**
4 **POSED TO THE UNITED STATES BY THE CHI-**
5 **NESE COMMUNIST PARTY.**

6 (a) ESTABLISHMENT.—

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

17 (2) DIRECTOR.—

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

23 (B) REPORTING.—The Director shall re-
24 port to the Secretary of Homeland Security re-

1 garding all administrative, operational, and se-
2 curity matters of the Working Group.

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

6 (A) A sufficient number of employees to
7 perform required duties.

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

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

21 (b) DUTIES.—The Working Group shall carry out the
22 following:

23 (1) Examine, assess, and report upon efforts by
24 the Department of Homeland Security to counter
25 terrorist, cybersecurity, border and port security,

1 and transportation security threats posed to the
2 United States by the Chinese Communist Party, in-
3 cluding efforts to counter the Chinese Communist
4 Party's—

5 (A) nontraditional tactics and exploitation
6 of the United States immigration system
7 through—

8 (i) identity theft;

9 (ii) the immigrant and nonimmigrant
10 visa processes;

11 (iii) unlawful border crossings;

12 (iv) human smuggling; and

13 (v) human trafficking;

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

20 (C) direct or indirect support for
21 transnational criminal organizations trafficking
22 in fentanyl, illicit drug precursors, or other con-
23 trolled substances through—

24 (i) the United States border;

25 (ii) international mail shipments; or

1 (iii) express consignment operations;

2 and

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

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

16 (3) Build upon existing or ongoing evaluations
17 and avoid unnecessary duplication by reviewing the
18 findings, conclusions, and recommendations of other
19 appropriate working groups, committees, commis-
20 sions, or entities established by the Department re-
21 lated to efforts to counter terrorist, cybersecurity,
22 border and port security, and transportation security
23 threats posed to the United States by the Chinese
24 Communist Party.

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

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

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

1 tional Network of Fusion Centers, of information related
2 to such threats.

3 (d) ANNUAL ASSESSMENTS.—

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

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

19 (A) A description of the activities and op-
20 erations of the Working Group undertaken pur-
21 suant to subsection (b).

22 (B) Any other matters the Secretary of
23 Homeland Security determines relevant.

24 (3) FORM.—Each assessment under paragraph
25 (1) shall be submitted in unclassified form, but may

1 include a classified annex. The Secretary of Home-
2 land Security shall post on a publicly available
3 website of the Department of Homeland Security the
4 unclassified portion of each assessment.

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

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

16 (f) RESEARCH AND DEVELOPMENT.—Not later than
17 one year after the date of the enactment of this Act, the
18 Secretary of Homeland Security, in coordination with the
19 Director and the Under Secretary for Science and Tech-
20 nology of the Department of Homeland Security, shall, to
21 the extent practicable, carry out research and develop-
22 ment, including operational testing, of technologies and
23 techniques for enhancing the Department's security and
24 situational awareness relating to countering terrorist, cy-
25 bersecurity, border and port security, and transportation

1 security threats posed to the United States by the Chinese
2 Communist Party.

3 (g) IMPLEMENTATION.—All activities carried out
4 pursuant to this section—

5 (1) shall be carried out in accordance with ap-
6 plicable constitutional, privacy, civil rights, and civil
7 liberties protections; and

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

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

13 (i) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) in the House of Representatives—

18 (i) the Committee on Homeland Secu-
19 rity;

20 (ii) the Committee on Ways and
21 Means;

22 (iii) the Committee on Financial Serv-
23 ices;

24 (iv) the Committee on the Judiciary;

25 and

1 (v) the Committee on Foreign Affairs;

2 and

3 (B) in the Senate—

4 (i) the Committee on Homeland Security and Governmental Affairs;

5 (ii) the Committee on Banking, Housing, and Urban Affairs;

6 (iii) the Committee on Finance;

7 (iv) the Committee on the Judiciary;

8 and

9 (v) the Committee on Foreign Relations.

10 (2) FUSION CENTER.—The term “fusion center” has the meaning given such term in subsection (k) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

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

12 (4) NATIONAL NETWORK OF FUSION CENTERS.—The term “National Network of Fusion Centers” means a decentralized arrangement of fusion centers intended to enhance individual State and urban area fusion centers’ ability to leverage the ca-

1 pabilities and expertise of all such fusion centers for
2 the purpose of enhancing analysis and homeland se-
3 curity information sharing nationally.

4 (5) UNITED STATES PERSONS.—The term
5 “United States person” has the meaning given such
6 term in section 1637(d)(10) of the Carl Levin and
7 Howard P. “Buck” McKeon National Defense Au-
8 thorization Act for Fiscal year 2015 (50 U.S.C.
9 1708(d)(10)).