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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. 9668

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 Homeland Security

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 (2) 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 (3) 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 money laundering practices, theft of intellectual
19 property and technology, and risks to the crit-
20 ical infrastructure supply chain;

21 (C) malign influence operations and
22 transnational repression targeting United
23 States persons;

24 (D) threats to critical infrastructure;

1 (E) direct or indirect support for
2 transnational criminal organizations trafficking
3 in fentanyl, illicit drug precursors, or other con-
4 trolled substances through—

5 (i) the United States border;

6 (ii) international mail shipments; or

7 (iii) express consignment operations;

8 (F) the movement of cross-border funds
9 through traditional money laundering practices,
10 third party facilitators, or emerging money
11 laundering techniques, including
12 cryptocurrency; and

13 (G) exploitation of vulnerabilities in the
14 United States export control regime, including
15 the export in violation of law of controlled tech-
16 nologies from the United States.

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

24 (3) Build upon existing or ongoing evaluations
25 and avoid unnecessary duplication by reviewing the

1 findings, conclusions, and recommendations of other
2 appropriate working groups, committees, commis-
3 sions, or entities established by the Department re-
4 lated to efforts to counter terrorist, cybersecurity,
5 border and port security, and transportation security
6 threats posed to the United States by the Chinese
7 Communist Party.

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

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

19 (c) ADDITIONAL DUTY RELATING TO INFORMATION
20 SHARING.—The Working Group, in accordance with appli-
21 cable constitutional, privacy, civil rights, and civil liberties
22 protections, shall review, in coordination with the Office
23 of Intelligence and Analysis of the Department of Home-
24 land Security, information relating to terrorist, cybersecu-
25 rity, border and port security, and transportation security

1 threats posed to the United States by the Chinese Com-
2 munist Party that is gathered by Federal, State, local,
3 Tribal, and territorial partners, and the National Network
4 of Fusion Centers, and incorporate such information, as
5 appropriate, into the Working Group's own information
6 relating to such threats. The Working Group, in coordina-
7 tion with the Office of Intelligence and Analysis, shall also
8 ensure the dissemination to Federal, State, local, Tribal,
9 and territorial partners, and the National Network of Fu-
10 sion Centers, of information related to such threats.

11 (d) ANNUAL ASSESSMENTS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this section and
14 annually thereafter for five years, the Secretary of
15 Homeland Security, in coordination with the Under
16 Secretary for Intelligence and Analysis of the De-
17 partment of Homeland Security, the Director of the
18 Federal Bureau of Investigation, and the Director of
19 National Intelligence, shall submit to the Committee
20 on Homeland Security of the House of Representa-
21 tives and the Committee on Homeland Security and
22 Governmental Affairs of the Senate a report that as-
23 sesses terrorist, cybersecurity, border and port secu-
24 rity, and transportation security threats posed to the

1 United States by the Chinese Communist Party dur-
2 ing the immediately preceding 12 months.

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

5 (A) A description of the activities and op-
6 erations of the Working Group undertaken pur-
7 suant to subsection (b).

8 (B) Any other matters the Secretary of
9 Homeland Security determines relevant.

10 (3) FORM.—Each assessment under paragraph
11 (1) shall be submitted in unclassified form, but may
12 include a classified annex. The Secretary of Home-
13 land Security shall post on a publicly available
14 website of the Department of Homeland Security the
15 unclassified portion of each assessment.

16 (4) BRIEFING.—Not later than 30 days after
17 the submission of each assessment under paragraph
18 (1), the Secretary of Homeland Security shall pro-
19 vide to the Committee on Homeland Security of the
20 House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs of the
22 Senate a briefing on such assessment and the
23 progress and challenges of the Working Group.

24 (e) COMPTROLLER GENERAL REVIEW.—Not later
25 than one year after the date of the enactment of this Act,

1 the Comptroller General of the United States shall submit
2 to the Committee on Homeland Security of the House of
3 Representatives and the Committee on Homeland Security
4 and Governmental Affairs of the Senate, a report on the
5 implementation of this section.

6 (f) RESEARCH AND DEVELOPMENT.—Not later than
7 one year after the date of the enactment of this Act, the
8 Secretary of Homeland Security, in coordination with the
9 Director and the Under Secretary for Science and Tech-
10 nology of the Department of Homeland Security, shall, to
11 the extent practicable, carry out research and develop-
12 ment, including operational testing, of technologies and
13 techniques for enhancing the Department’s security and
14 situational awareness relating to countering terrorist, cy-
15 bersecurity, border and port security, and transportation
16 security threats posed to the United States by the Chinese
17 Communist Party, in accordance with applicable constitu-
18 tional, privacy, civil rights, and civil liberties protections.

19 (g) SUNSET.—The Working Group shall terminate on
20 the date that is seven years after the establishment of the
21 Working Group under subsection (a)(1).

22 (h) DEFINITIONS.—In this section:

23 (1) CRITICAL INFRASTRUCTURE.—The term
24 “critical infrastructure” has the meaning given such

1 term in section 1016(e) of Public Law 107–56 (42
2 U.S.C. 5195c(e)).

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

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

11 (4) NATIONAL NETWORK OF FUSION CEN-
12 TERS.—The term “National Network of Fusion Cen-
13 ters” means a decentralized arrangement of fusion
14 centers intended to enhance individual State and
15 urban area fusion centers’ ability to leverage the ca-
16 pabilities and expertise of all such fusion centers for
17 the purpose of enhancing analysis and homeland se-
18 curity information sharing nationally.

19 (5) UNITED STATES PERSONS.—The term
20 “United States person” has the meaning given such
21 term in section 1637(d)(10) of the Carl Levin and
22 Howard P. “Buck” McKeon National Defense Au-
23 thorization Act for Fiscal year 2015 (50 U.S.C.
24 1708(d)(10)).