

**Suspend the Rules and Pass the Bill, H.R. 397, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 397

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Mr. GIMENEZ (for himself and Mr. KATKO) introduced the following bill;  
which was referred to the Committee on Homeland Security

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## A BILL

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 2021”.

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 210G the following new sec-  
10 tion:

11 **“SEC. 210H. 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. 210H. 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 210H 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.”.