

Calendar No. 578

116TH CONGRESS
2D SESSION**H. R. 2589****[Report No. 116-286]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2019

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

NOVEMBER 9, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Homeland Security Act of 2002 to establish
a homeland intelligence doctrine for the Department of
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 “Unifying DHS Intel-
5 ligence Enterprise Act”.

1 **SEC. 2. HOMELAND INTELLIGENCE DOCTRINE.**

2 (a) IN GENERAL.—Subtitle A of title II of the Home-
3 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
4 ed by adding at the end the following new section:

5 **“SEC. 210H. HOMELAND INTELLIGENCE DOCTRINE.**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of the enactment of this section, the Secretary,
8 acting through the Chief Intelligence Officer of the De-
9 partment, in coordination with intelligence components of
10 the Department, the Office of the General Counsel, the
11 Privacy Office, and the Office for Civil Rights and Civil
12 Liberties, shall develop and disseminate written Depart-
13 ment-wide guidance for the processing, analysis, produc-
14 tion, and dissemination of homeland security information
15 (as such term is defined in section 892) and terrorism in-
16 formation (as such term is defined in section 1016 of the
17 Intelligence Reform and Terrorism Prevention Act of
18 2004 (6 U.S.C. 485)).

19 “(b) CONTENTS.—The guidance required under sub-
20 section (a) shall, at a minimum, include the following:

21 “(1) A description of guiding principles and
22 purposes of the Department’s intelligence enterprise.

23 “(2) A summary of the roles, responsibilities,
24 and programs of each intelligence component of the
25 Department in the processing, analysis, production,
26 or dissemination of homeland security information

1 and terrorism information, including relevant au-
2 thorities and restrictions applicable to each such in-
3 telligence component.

4 “(3) Guidance for the processing, analysis, and
5 production of such information.

6 “(4) Guidance for the dissemination of such in-
7 formation, including within the Department, among
8 and between Federal departments and agencies,
9 among and between State, local, Tribal, and terri-
10 torial governments, including law enforcement, and
11 with foreign partners and the private sector, con-
12 sistent with the protection of privacy, civil rights,
13 and civil liberties.

14 “(5) A description of how the dissemination to
15 the intelligence community (as such term is defined
16 in section 3(4) of the National Security Act of 1947
17 (50 U.S.C. 3003(4))) and Federal law enforcement
18 of such information assists such entities in carrying
19 out their respective missions.

20 “(e) FORM.—The guidance required under subsection
21 (a) shall be submitted in unclassified form, but may in-
22 clude a classified annex.

23 “(d) ANNUAL REVIEW.—For each of the 5 fiscal
24 years beginning with the first fiscal year that begins after
25 the date of the enactment of this section, the Secretary

1 shall conduct a review of the guidance required under sub-
 2 section (a) and, as appropriate, revise such guidance.”.

3 (b) ~~CLERICAL AMENDMENT.~~—The table of contents
 4 in section 1(b) of the Homeland Security Act of 2002 is
 5 amended by inserting after the item relating to section
 6 210G the following new item:

“Sec. 210H. Homeland intelligence doctrine.”.

7 **SEC. 3. COMPTROLLER GENERAL ASSESSMENT.**

8 (a) ~~ANNUAL ASSESSMENT REQUIRED.~~—Not later
 9 than 1 year after the date of the enactment of this Act
 10 and again not later than 5 years thereafter, the Comp-
 11 troller General of the United States shall submit to the
 12 Committee on Homeland Security of the House of Rep-
 13 resentatives and the Committee on Homeland Security
 14 and Governmental Affairs of the Senate an assessment of
 15 the degree to which guidance established pursuant to sec-
 16 tion 210H of the Homeland Security Act of 2002 (as
 17 added by section 2 of this Act) is implemented across the
 18 Department of Homeland Security. Such assessment
 19 should evaluate the extent to which such guidance is ear-
 20 ried out in a manner that protects privacy, civil rights,
 21 and civil liberties.

22 (b) ~~ELEMENTS OF ASSESSMENT.~~—In conducting
 23 each assessment under subsection (a), the Comptroller
 24 General of the United States shall—

1 (1) use standard methodology and reporting
2 formats in order to demonstrate and display any
3 changes over time; and

4 (2) include any other subject matter the Comp-
5 troller General determines appropriate.

6 (c) ACCESS TO RELEVANT DATA.—To carry out this
7 section, the Secretary of Homeland Security shall ensure
8 that the Comptroller General of the United States has ac-
9 cess to all relevant data.

10 **SEC. 4. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFI-**
11 **CER.**

12 Paragraph (1) of section 201(e) of the Homeland Se-
13 curity Act of 2002 (6 U.S.C. 121(e)) is amended by add-
14 ing at the end the following new sentence: “The Secretary
15 shall also provide the Chief Intelligence Officer with a
16 staff having appropriate expertise and experience to assist
17 the Chief Intelligence Officer.”.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Unifying DHS Intel-*
20 *ligence Components Act”.*

21 **SEC. 2. HOMELAND INTELLIGENCE DOCTRINE.**

22 (a) IN GENERAL.—*Subtitle A of title II of the Home-*
23 *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*
24 *by adding at the end the following:*

1 **“SEC. 210H. HOMELAND INTELLIGENCE DOCTRINE.**

2 “(a) *DEFINITIONS.—In this section—*

3 “(1) *the term ‘intelligence’ has the meaning*
4 *given that term in section 3 of the National Security*
5 *Act of 1947 (50 U.S.C. 3003);*

6 “(2) *the term ‘intelligence information’ in-*
7 *cludes—*

8 “(A) *information within the scope of the in-*
9 *formation sharing environment established under*
10 *section 1016 of the Intelligence Reform and Ter-*
11 *rорism Prevention Act of 2004 (6 U.S.C. 485);*

12 “(B) *national intelligence, as defined in sec-*
13 *tion 3 of the National Security Act of 1947 (50*
14 *U.S.C. 3003); and*

15 “(C) *any other intelligence collected, gath-*
16 *ered, processed, analyzed, produced, or dissemi-*
17 *nated by an intelligence component of the De-*
18 *partment necessary to execute the mission and*
19 *discharge the lawful preventive, protective, en-*
20 *forcement, or other responsibilities of the Sec-*
21 *retary; and*

22 “(3) *the term ‘terrorism information’ has the*
23 *meaning given that term in section 1016 of the Intel-*
24 *ligence Reform and Terrorism Prevention Act of 2004*
25 *(6 U.S.C. 485).*

1 “(b) *DEVELOPING INTELLIGENCE DOCTRINE.*—Not
2 *later than 180 days after the date of the enactment of this*
3 *section, the Secretary shall—*

4 “(1) *develop and disseminate written Depart-*
5 *ment-wide intelligence doctrine for the intelligence*
6 *components of the Department;*

7 “(2) *develop Department-wide policies, stand-*
8 *ards, and programs for—*

9 “(A) *training relating to the collection,*
10 *processing, analysis, and dissemination of intel-*
11 *ligence information, intelligence-related informa-*
12 *tion, and terrorism information by personnel*
13 *within the intelligence components of the Depart-*
14 *ment; and*

15 “(B) *coordinating the intelligence and intel-*
16 *ligence-related education of personnel within the*
17 *intelligence components of the Department; and*

18 “(3) *develop Department-wide policies for gath-*
19 *ering and developing lessons learned relating to intel-*
20 *ligence information, intelligence-related information,*
21 *and terrorism information, disseminating the lessons*
22 *learned to personnel within the intelligence compo-*
23 *nents of the Department, and using the lessons*
24 *learned to inform the further development of the intel-*
25 *ligence doctrine.*

1 “(c) *CONTENTS.—The intelligence doctrine, policies,*
2 *standards, and programs required under subsection (b)*
3 *shall, at a minimum, include the following:*

4 “(1) *A description of the fundamental principles*
5 *guiding the collection, processing, analysis, and dis-*
6 *semination of intelligence information by, and over-*
7 *sight of the intelligence activities of, the intelligence*
8 *components of the Department.*

9 “(2) *A standardized terminology and summary*
10 *describing roles, relationships, responsibilities, and*
11 *processes relating to the collection, processing, anal-*
12 *ysis, production, and dissemination of intelligence in-*
13 *formation by, and oversight of the intelligence activi-*
14 *ties of, the intelligence components of the Department.*

15 “(3) *The use of the intelligence doctrine as a*
16 *foundation for and to inform the development of the*
17 *Department-wide training and education referred to*
18 *in subsection (b)(2), and the incorporation, as appro-*
19 *priate, of intelligence and intelligence-related exer-*
20 *cises, best practices, and lessons learned.*

21 “(4) *Guidance for the dissemination of intel-*
22 *ligence information, including within the Depart-*
23 *ment, among and between Federal departments and*
24 *agencies, among and between members of the intel-*
25 *ligence community, among and between State, local,*

1 *Tribal, and Territorial governments (including law*
2 *enforcement agencies), with foreign partners, and*
3 *with the private sector.*

4 *“(5) The protection of privacy, civil rights, and*
5 *civil liberties in the conduct of intelligence and intel-*
6 *ligence-related activities by the intelligence compo-*
7 *nents of the Department.*

8 *“(6) Any mission statements, strategic and plan-*
9 *ning documents, and other pertinent documents rel-*
10 *evant to the organizational structure and guidance*
11 *provided to the intelligence components of the Depart-*
12 *ment.*

13 *“(d) FORM.—The intelligence doctrine, policies, stand-*
14 *ards, and programs required under subsection (b) shall be*
15 *disseminated in unclassified form, but may include a classi-*
16 *fied annex.*

17 *“(e) REVIEW AND REVISION.—*

18 *“(1) REQUIRED REVIEWS.—Not later than 1*
19 *year after the date of enactment of this section, and*
20 *every year thereafter for 4 years, the Secretary shall*
21 *conduct a review of and, as appropriate, revise the*
22 *intelligence doctrine, policies, standards, and pro-*
23 *grams required under subsection (b).*

24 *“(2) SUBSEQUENT REVIEWS.—After the end of*
25 *the period described in paragraph (1), the Secretary*

1 *shall conduct a review of and, as appropriate, revise*
2 *the intelligence doctrine, policies, standards, and pro-*
3 *grams required under subsection (b) on an as needed*
4 *basis.”.*

5 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
6 *section 1(b) of the Homeland Security Act of 2002 (Public*
7 *Law 107–296) is amended by inserting after the item relat-*
8 *ing to section 210G the following:*

“Sec. 210H. Homeland intelligence doctrine.”.

9 **SEC. 3. COMPTROLLER GENERAL ASSESSMENT.**

10 **(a) IN GENERAL.**—*Not later than 1 year after the date*
11 *of enactment of this Act, the Comptroller General of the*
12 *United States shall submit to the Committee on Homeland*
13 *Security and Governmental Affairs and the Select Com-*
14 *mittee on Intelligence of the Senate and the Committee on*
15 *Homeland Security and the Permanent Select Committee*
16 *on Intelligence of the House of Representatives a report—*

17 (1) *assessing the degree to which the intelligence*
18 *doctrine, policies, standards, and programs estab-*
19 *lished pursuant to section 210H of the Homeland Se-*
20 *curity Act of 2002 (as added by section 2 of this Act)*
21 *are implemented across the Department of Homeland*
22 *Security;*

23 (2) *evaluating the extent to which the intelligence*
24 *doctrine, policies, standards, and programs are car-*

1 ried out in a manner that protects privacy, civil
2 rights, and civil liberties; and

3 (3) incorporating an in-depth analysis, includ-
4 ing an assessment of effectiveness and possible areas
5 for improvement, of—

6 (A) the intelligence and intelligence-related
7 training programs of the intelligence components
8 of the Department (as defined in section 2 of the
9 Homeland Security Act of 2002 (6 U.S.C. 101));

10 (B) the utilization of other executive branch
11 intelligence and intelligence-related training pro-
12 grams by the intelligence components of the De-
13 partment;

14 (C) the utilization of international or a for-
15 eign nation’s intelligence and intelligence-related
16 training programs by the intelligence compo-
17 nents of the Department; and

18 (D) the utilization of private sector intel-
19 ligence and intelligence-related training pro-
20 grams by the intelligence components of the De-
21 partment of Homeland Security.

22 (b) *ELEMENTS OF ASSESSMENT.*—In conducting the
23 assessment under subsection (a), the Comptroller General
24 of the United States shall—

1 (1) *use standard methodology and reporting for-*
2 *formats in order to demonstrate and display any vari-*
3 *ations between standards in effect before the date of*
4 *enactment of this Act and standards in effect after the*
5 *date of enactment of this Act; and*

6 (2) *include any other subject matter the Comp-*
7 *troller General determines appropriate.*

8 (c) *ACCESS TO RELEVANT DATA.*—*The Secretary of*
9 *Homeland Security shall ensure that the Comptroller Gen-*
10 *eral of the United States has access to all data relevant to*
11 *carrying out this section.*

12 **SEC. 4. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFICER.**

13 *Section 201(e)(1) of the Homeland Security Act of*
14 *2002 (6 U.S.C. 121(e)(1)) is amended by adding at the end*
15 *the following: “The Secretary shall also provide the Chief*
16 *Intelligence Officer with a staff having appropriate exper-*
17 *tise and experience to assist the Chief Intelligence Officer.”.*

18 **SEC. 5. SAVINGS CLAUSE.**

19 (a) *DEFINITION.*—*In this section, the term “intel-*
20 *ligence community” has the meaning given that term in*
21 *section 3(4) of the National Security Act of 1947 (50 U.S.C.*
22 *3003(4)).*

23 (b) *SAVINGS CLAUSE.*—*Nothing in this Act or an*
24 *amendment made by this Act shall affect or diminish—*

1 (1) *the authority and responsibilities of the Com-*
2 *mandant of the Coast Guard to—*

3 (A) *command or control the Coast Guard as*
4 *an armed force; or*

5 (B) *act as the head of an element of the in-*
6 *telligence community; or*

7 (2) *the authority of the Director of National In-*
8 *telligence with respect to the Coast Guard as an ele-*
9 *ment of the intelligence community.*

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