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HOUSE OF REPRESENTATIVES
REPORT
114–164

CBRN INTELLIGENCE AND INFORMATION SHARING ACT OF 2015

JUNE 17, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MCCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2200]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2200) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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49–006

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "CBRN Intelligence and Information Sharing Act of 2015".

SEC. 2. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 210G. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

"(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department of Homeland Security shall—

"(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

"(2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

"(3) support homeland security-focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2), including the transportation of chemical, biological, nuclear, and radiological materials, by providing relevant quantitative and nonquantitative threat information;

"(4) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

"(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders and other Federal agencies, as appropriate; and

"(6) perform other responsibilities, as assigned by the Secretary.

"(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, including the National Biosurveillance Integration Center, others in the Intelligence Community, including the National Counter Proliferation Center, and other Federal, State, local, and tribal authorities, including officials from high-threat areas, State and major urban area fusion centers, and local public health departments, as appropriate, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how they can provide information to the Department.

"(c) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means the Committee on Homeland Security of the House of Representatives and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

"(2) The term 'Intelligence Community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(3) The term 'national biosecurity and biodefense stakeholders' means officials from the Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including infectious disease outbreaks.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 210G. Chemical, biological, radiological, and nuclear intelligence and information sharing.".

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall report to the appropriate congressional committees on—

(A) the intelligence and information sharing activities under subsection (a) and of all relevant entities within the Department of Homeland Security

to counter the threat from attacks using chemical, biological, radiological, and nuclear materials; and

(B) the Department's activities in accordance with relevant intelligence strategies.

(2) ASSESSMENT OF IMPLEMENTATION.—The report shall include—

(A) a description of methods established to assess progress of the Office of Intelligence and Analysis in implementing the amendment made by subsection (a); and

(B) such assessment.

(3) TERMINATION.—This subsection shall have no force or effect after the end of the 5-year period beginning on the date of the enactment of this Act.

SEC. 3. DISSEMINATION OF INFORMATION ANALYZED BY THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPONSIBILITIES RELATING TO HOMELAND SECURITY.

Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking "and to agencies of State" and all that follows and inserting "to State, local, tribal, and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States.".

PURPOSE AND SUMMARY

The purpose of H.R. 2200 is to increase the analysis and information sharing of CBRN threat information.

BACKGROUND AND NEED FOR LEGISLATION

Terrorist groups have long strived to employ chemical, biological, radiological, and nuclear (CBRN) materials in their attacks. Furthermore, events such as the Boston Marathon bombing in 2013 illustrated the need for better information sharing between federal and local officials. This legislation requires that the Office of Intelligence and Analysis enhance intelligence analysis and information sharing on CBRN threats and work to ensure that State and local officials get the actionable intelligence information necessary to stop an attack.

HEARINGS

The Committee did not hold any hearings specifically on H.R. 2200, but the Subcommittee on Emergency Preparedness, Response, and Communications held a number of hearings relevant to the bill.

On March 19, 2015, the Subcommittee held a hearing, "Agents of Opportunity: Responding to the Threat of Chemical Terrorism." The Subcommittee received testimony from Dr. Mark Kirk, Director, Chemical Defense Program, Office of Health Affairs, U.S. Department of Homeland Security; Dr. Christina Catlett, Associate Director, Office of Critical Event Preparedness and Response, Department of Emergency Medicine, The Johns Hopkins Hospital; Chief G. Keith Bryant, Fire Chief, Oklahoma City Fire Department, *testfying on behalf of the International Association of Fire Chiefs*; and Mr. Armando B. Fontoura, Sheriff, Essex County, New Jersey.

During a hearing on biological threats on April 22, 2015, "Strategic Perspectives on the Bioterrorism Threat," the Subcommittee on Emergency Preparedness, Response, and Communications received testimony from Hon. Jim Talent, Former Senator from the State of Missouri and Co-Chair, The Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism;

Dr. Charles B. Cairns, Interim Dean, University of Arizona College of Medicine, Heather Sciences Center; and Marisa Raphael, MPH, Deputy Commissioner, Office of Emergency Planning and Response, Department of Health and Mental Hygiene, New York City, New York.

At both of these hearings, the Subcommittee Members heard from numerous stakeholders that information sharing with appropriate state and local officials and emergency response providers about these threats is critical.

COMMITTEE CONSIDERATION

The Committee met on May 20, 2014, to consider H.R. 2200, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MS. MCSALLY (#1); was AGREED TO, as amended, by voice vote.

An Amendment by MR. HIGGINS to the Amendment in the Nature of a Substitute (#1A); was AGREED TO by voice vote.

Page 2, line 8, insert ", including the transportation of chemical, biological, nuclear, and radiological materials," after "(2)".
Page 2, line 19, insert "and other Federal agencies, as appropriate" after "stakeholders".

The Subcommittee on Emergency Preparedness, Response, and Communications met on May 14, 2015, to consider H.R. 2200, and ordered the measure to be reported to the Full Committee with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MS. MCSALLY (#1); was AGREED TO, amended, by voice vote.

An Amendment by MR. PAYNE to the Amendment in the Nature of a Substitute (#1A); was AGREED TO by voice vote.

Page 3, line 3, after "high-threat areas," insert "State and major urban area fusion centers, and local public health departments, as appropriate,".

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2200.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2200, the

CBRN Intelligence and Information Sharing Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 2015.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2200, the CBRN Intelligence and Information Sharing Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 2200—CBRN Intelligence and Information Sharing Act of 2015

H.R. 2200 would direct the Department of Homeland Security (DHS) to gather and analyze intelligence on terrorist threats involving chemical, biological, radiological, and nuclear (CBRN) materials; share that information with federal, state, and local authorities; and prepare an annual report to the Congress on those activities. The department is currently carrying out activities similar to those required by the bill, so CBO estimates that implementing H.R. 2200 would not significantly affect spending by DHS. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 2200 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2200 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 2200 supports four goals: (1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the nation and of global infectious disease, public health, food, agricultural, and veterinary

issues; (2) support homeland security-focused risk analysis and risk assessments of such homeland security hazards by providing relevant quantitative and non-quantitative threat information; (3) leverage homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack; and (4) share information and provide tailored analytical support on these threats to state, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders.

H.R. 2200 also directs the Secretary of DHS to report annually on intelligence and information sharing activities to counter the threat from weapons of mass destruction, and DHS's activities in accordance with relevant intelligence strategies.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2200 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 2200 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2200 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that bill may be cited as the "CBRN Intelligence and Information Sharing Act of 2015".

Section 2. Chemical, Biological, Radiological, and Nuclear (CBRN) intelligence and information sharing

This section amends the Homeland Security Act of 2002 (Pub. Law 107–296) to require the Office of Intelligence and Analysis (I&A) of the Department of Homeland Security (DHS) to support homeland security-focused intelligence analysis of terrorists, their claims, and their plans to conduct attacks involving CBRN materials against the nation, and of global infectious disease, public health, food, agricultural, and veterinary issues.

Additionally, this section directs I&A to support homeland security-focused risk analysis and risk assessments of those hazards by providing relevant threat information; leveraging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a CBRN attack; and sharing information and provide tailored analytical support on these threats to State, local, and tribal authorities; other national biosecurity and biodefense stakeholders; and other federal agencies as appropriate.

The Committee expects I&A to include the Department of Energy in carrying out its responsibilities to share information on CBRN threats with federal agencies as appropriate, especially if such information or intelligence indicates terrorist threats to transportation of CBRN materials, such as highly enriched liquid uranium.

Coordination

This section requires I&A to coordinate with other DHS components, including the National Biosurveillance Integration Center, the Intelligence Community, and federal, State, local, and tribal authorities, where appropriate, and enable such entities to provide recommendations on optimal information sharing mechanisms and on how they can provide information to DHS.

As information and intelligence is only useful if it is shared with those who can take action, such as State, local, tribal, and private entities, the Committee directs the Office of Intelligence and Analysis to involve these partners as appropriate, and get their feedback on mechanisms for two-way sharing of information.

Report

Section 2 directs the Secretary of DHS to report annually on: (1) intelligence and information sharing activities to counter the threat from weapons of mass destruction, and (2) DHS's activities in accordance with relevant intelligence strategies. This reporting requirement will terminate five years after enactment.

Definitions

This section defines terms in the bill including "appropriate congressional committees", "Intelligence Community", and "national biosecurity and biodefense stakeholders".

Section 3. Dissemination of information analyzed by the department to state, local, tribal, and private entities with responsibilities related to Homeland Security

This section amends section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) to require the Secretary to ensure that homeland security information analyzed by DHS concerning terrorist threats is provided to State, local, and private entities and the public.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

* * * * * * *

TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

* * * * * * *

Sec. 210G. Chemical, biological, radiological, and nuclear intelligence and information sharing.

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TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

SEC. 201. INFORMATION AND ANALYSIS AND INFRASTRUCTURE PROTECTION.

(a) INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—There shall be in the Department an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

(b) UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

(1) OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis shall be headed by an Under Secretary for Intelligence and Analysis, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) CHIEF INTELLIGENCE OFFICER.—The Under Secretary for Intelligence and Analysis shall serve as the Chief Intelligence Officer of the Department.

(3) OFFICE OF INFRASTRUCTURE PROTECTION.—The Office of Infrastructure Protection shall be headed by an Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

(c) DISCHARGE OF RESPONSIBILITIES.—The Secretary shall ensure that the responsibilities of the Department relating to information analysis and infrastructure protection, including those described in subsection (d), are carried out through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate.

(d) RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—The responsibilities of the Secretary relating to intelligence and analysis and infrastructure protection shall be as follows:

(1) To access, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information, in support of the mission responsibilities of the Department and the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 404o), in order to—

(A) identify and assess the nature and scope of terrorist threats to the homeland;

(B) detect and identify threats of terrorism against the United States; and

(C) understand such threats in light of actual and potential vulnerabilities of the homeland.

(2) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

(A) identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal

Government, State, and local government agencies and authorities, the private sector, and other entities; and

(B) prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity.

(4) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this section, including obtaining such information from other agencies of the Federal Government.

(5) To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems.

(6) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.

(7) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including homeland security information, terrorism information, and weapons of mass destruction information, and any policies, guidelines, procedures, instructions, or standards established under that section.

(8) To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, [and to agencies of State and local governments and private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.] *to State, local, tribal, and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States.*

(9) To consult with the Director of National Intelligence and other appropriate intelligence, law enforcement, or other elements of the Federal Government to establish collection priorities and strategies for information, including law enforcement-related information, relating to threats of terrorism against the United States through such means as the representation of the Department in discussions regarding requirements and priorities in the collection of such information.

(10) To consult with State and local governments and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

(11) To ensure that—

(A) any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties; and

(B) any intelligence information under this Act is shared, retained, and disseminated consistent with the authority of the Director of National Intelligence to protect intelligence sources and methods under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures and, as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information.

(12) To request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain such information.

(13) To establish and utilize, in conjunction with the chief information officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

(14) To ensure, in conjunction with the chief information officer of the Department, that any information databases and analytical tools developed or utilized by the Department—

(A) are compatible with one another and with relevant information databases of other agencies of the Federal Government; and

(B) treat information in such databases in a manner that complies with applicable Federal law on privacy.

(15) To coordinate training and other support to the elements and personnel of the Department, other agencies of the Federal Government, and State and local governments that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

(16) To coordinate with elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

(17) To provide intelligence and information analysis and support to other elements of the Department.

(18) To coordinate and enhance integration among the intelligence components of the Department, including through strategic oversight of the intelligence activities of such components.

(19) To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, stand-

ards, guidelines, and procedures for the intelligence components of the Department, consistent with any directions from the President and, as applicable, the Director of National Intelligence.

(20) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

(21) To ensure that, whenever possible, the Department—

(A) produces and disseminates unclassified reports and analytic products based on open-source information; and

(B) produces and disseminates such reports and analytic products contemporaneously with reports or analytic products concerning the same or similar information that the Department produced and disseminated in a classified format.

(22) To establish within the Office of Intelligence and Analysis an internal continuity of operations plan.

(23) Based on intelligence priorities set by the President, and guidance from the Secretary and, as appropriate, the Director of National Intelligence—

(A) to provide to the heads of each intelligence component of the Department guidance for developing the budget pertaining to the activities of such component; and

(B) to present to the Secretary a recommendation for a consolidated budget for the intelligence components of the Department, together with any comments from the heads of such components.

(24) To perform such other duties relating to such responsibilities as the Secretary may provide.

(25) To prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security in the House of Representatives, and to other appropriate congressional committees having jurisdiction over the critical infrastructure or key resources, for each sector identified in the National Infrastructure Protection Plan, a report on the comprehensive assessments carried out by the Secretary of the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence, as required under this subsection. Each such report—

(A) shall contain, if applicable, actions or countermeasures recommended or taken by the Secretary or the head of another Federal agency to address issues identified in the assessments;

(B) shall be required for fiscal year 2007 and each subsequent fiscal year and shall be submitted not later than 35 days after the last day of the fiscal year covered by the report; and

(C) may be classified.

(e) STAFF.—

(1) IN GENERAL.—The Secretary shall provide the Office of Intelligence and Analysis and the Office of Infrastructure Protection with a staff of analysts having appropriate expertise and experience to assist such offices in discharging responsibilities under this section.

(2) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(3) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(f) DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the Office of Intelligence and Analysis and the Office of Infrastructure Protection in discharging responsibilities under this section, personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(2) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

(A) The Department of State.

(B) The Central Intelligence Agency.

(C) The Federal Bureau of Investigation.

(D) The National Security Agency.

(E) The National Geospatial-Intelligence Agency.

(F) The Defense Intelligence Agency.

(G) Any other agency of the Federal Government that the President considers appropriate.

(3) COOPERATIVE AGREEMENTS.—The Secretary and the head of the agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

(4) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(g) FUNCTIONS TRANSFERRED.—In accordance with title XV, there shall be transferred to the Secretary, for assignment to the Office of Intelligence and Analysis and the Office of Infrastructure Protection under this section, the functions, personnel, assets, and liabilities of the following:

(1) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section), including the functions of the Attorney General relating thereto.

(2) The National Communications System of the Department of Defense, including the functions of the Secretary of Defense relating thereto.

(3) The Critical Infrastructure Assurance Office of the Department of Commerce, including the functions of the Secretary of Commerce relating thereto.

(4) The National Infrastructure Simulation and Analysis Center of the Department of Energy and the energy security and assurance program and activities of the Department, including the functions of the Secretary of Energy relating thereto.

(5) The Federal Computer Incident Response Center of the General Services Administration, including the functions of the Administrator of General Services relating thereto.

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SEC. 210G. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department of Homeland Security shall—

(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

(2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

(3) support homeland security-focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2), including the transportation of chemical, biological, nuclear, and radiological materials, by providing relevant quantitative and nonquantitative threat information;

(4) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders and other Federal agencies, as appropriate; and

(6) perform other responsibilities, as assigned by the Secretary.

(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, including the National Biosurveillance Integration Center, others in the Intelligence Community, including the National Counter Proliferation Center, and other Federal, State, local, and tribal authorities, including officials from high-threat areas, State and major urban area fusion centers, and local public health departments, as appropriate, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how they can provide information to the Department.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the Committee on Homeland Security of the House of Representatives and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

(2) The term "Intelligence Community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term "national biosecurity and biodefense stakeholders" means officials from the Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may

have serious health consequences for the United States, including infectious disease outbreaks.

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