

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

H. R. 2589

To amend the Homeland Security Act of 2002 to establish a homeland intelligence doctrine for the Department of Homeland Security, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. JOHNSON (for himself and Mr. PETERS)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unifying DHS Intel-
5 ligence Components Act”.

6 **SEC. 2. HOMELAND INTELLIGENCE DOCTRINE.**

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 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
9 information sharing environment established
10 under section 1016 of the Intelligence Reform
11 and Terrorism Prevention Act of 2004 (6
12 U.S.C. 485);

13 “(B) national intelligence, as defined in
14 section 3 of the National Security Act of 1947
15 (50 U.S.C. 3003); and

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

23 “(3) the term ‘terrorism information’ has the
24 meaning given that term in section 1016 of the In-
25 telligence Reform and Terrorism Prevention Act of
26 2004 (6 U.S.C. 485)).

1 “(b) DEVELOPING INTELLIGENCE DOCTRINE.—Not
2 later than 180 days after the date of the enactment of
3 this 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 infor-
12 mation, and terrorism information by personnel
13 within the intelligence components of the De-
14 partment; and

15 “(B) coordinating the intelligence and in-
16 telligence-related education of personnel within
17 the intelligence components of the Department;
18 and

19 “(3) develop Department-wide policies for gath-
20 ering and developing lessons learned relating to in-
21 telligence information, intelligence-related informa-
22 tion, and terrorism information, disseminating the
23 lessons learned to personnel within the intelligence
24 components of the Department, and using the les-

1 sons learned to inform the further development of
2 the intelligence doctrine.

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

6 “(1) A description of the fundamental prin-
7 ciples guiding the collection, processing, analysis,
8 and dissemination of intelligence information by, and
9 oversight of the intelligence activities of, the intel-
10 ligence components of the Department.

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

18 “(3) The use of the intelligence doctrine as a
19 foundation for and to inform the development of the
20 Department-wide training and education referred to
21 in subsection (b)(2), and the incorporation, as ap-
22 propriate, of intelligence and intelligence-related ex-
23 ercises, best practices, and lessons learned.

24 “(4) Guidance for the dissemination of intel-
25 ligence information, including within the Depart-

1 ment, among and between Federal departments and
2 agencies, among and between members of the intel-
3 ligence community, among and between State, local,
4 Tribal, and Territorial governments (including law
5 enforcement agencies), with foreign partners, and
6 with the private sector.

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

11 “(6) Any mission statements, strategic and
12 planning documents, and other pertinent documents
13 relevant to the organizational structure and guid-
14 ance provided to the intelligence components of the
15 Department.

16 “(d) FORM.—The intelligence doctrine, policies,
17 standards, and programs required under subsection (b)
18 shall be disseminated in unclassified form, but may in-
19 clude a classified annex.

20 “(e) REVIEW AND REVISION.—

21 “(1) REQUIRED REVIEWS.—Not later than 1
22 year after the date of enactment of this section, and
23 every year thereafter for 4 years, the Secretary shall
24 conduct a review of and, as appropriate, revise the

1 intelligence doctrine, policies, standards, and pro-
2 grams required under subsection (b).

3 “(2) SUBSEQUENT REVIEWS.—After the end of
4 the period described in paragraph (1), the Secretary
5 shall conduct a review of and, as appropriate, revise
6 the intelligence doctrine, policies, standards, and
7 programs required under subsection (b) on an as
8 needed basis.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the Homeland Security Act of 2002
11 (Public Law 107–296) is amended by inserting after the
12 item relating to section 210G the following:

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

13 **SEC. 3. COMPTROLLER GENERAL ASSESSMENT.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall submit to the Committee on
17 Homeland Security and Governmental Affairs and the Se-
18 lect Committee on Intelligence of the Senate and the Com-
19 mittee on Homeland Security and the Permanent Select
20 Committee on Intelligence of the House of Representatives
21 a report—

22 (1) assessing the degree to which the intel-
23 ligence doctrine, policies, standards, and programs
24 established pursuant to section 210H of the Home-
25 land Security Act of 2002 (as added by section 2 of

1 this Act) are implemented across the Department of
2 Homeland Security;

3 (2) evaluating the extent to which the intel-
4 ligence doctrine, policies, standards, and programs
5 are carried out in a manner that protects privacy,
6 civil rights, and civil liberties; and

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

10 (A) the intelligence and intelligence-related
11 training programs of the intelligence compo-
12 nents of the Department (as defined in section
13 2 of the Homeland Security Act of 2002 (6
14 U.S.C. 101));

15 (B) the utilization of other Executive
16 Branch intelligence and intelligence-related
17 training programs by the intelligence compo-
18 nents of the Department;

19 (C) the utilization of international or for-
20 eign nation's intelligence and intelligence-re-
21 lated training programs by the intelligence com-
22 ponents of the Department; and

23 (D) the utilization of private sector intel-
24 ligence and intelligence-related training pro-

1 grams by the intelligence components of the de-
2 partment.

3 (b) **ELEMENTS OF ASSESSMENT.**—In conducting the
4 assessment under paragraph (1), the Comptroller General
5 of the United States shall—

6 (1) use standard methodology and reporting
7 formats in order to demonstrate and display any
8 variations between standards in effect before the
9 date of enactment of this Act and standards in ef-
10 fect after the date of enactment of this Act; and

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

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

17 **SEC. 4. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFI-**
18 **CER.**

19 Section 201(e)(1) of the Homeland Security Act of
20 2002 (6 U.S.C. 121(e)(1)) is amended by adding at the
21 end the following: “The Secretary shall also provide the
22 Chief Intelligence Officer with a staff having appropriate
23 expertise and experience to assist the Chief Intelligence
24 Officer.”.

1 **SEC. 5. SAVINGS CLAUSE.**

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

6 (b) SAVINGS CLAUSE.—Nothing in this Act or an
7 amendment made by this Act shall affect or diminish—

8 (1) the authority and responsibilities of the
9 Commandant of the Coast Guard to—

10 (A) command or control the Coast Guard
11 as an armed force; or

12 (B) act as the head of an element of the
13 intelligence community; or

14 (2) the authority of the Director of National In-
15 telligence with respect to the Coast Guard as an ele-
16 ment of the intelligence community.