

UNIFYING DHS INTELLIGENCE ENTERPRISE ACT

MAY 30, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2589]

[Including cost estimate of the Congressional Budget Office]

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

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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 “Unifying DHS Intelligence Enterprise Act”.

SEC. 2. HOMELAND INTELLIGENCE DOCTRINE.

(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 new section:

“SEC. 210H. HOMELAND INTELLIGENCE DOCTRINE.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Chief Intelligence Officer of the Department, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, shall develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information (as such term is defined in section 892) and terrorism information (as such term is defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)).

“(b) CONTENTS.—The guidance required under subsection (a) shall, at a minimum, include the following:

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

“(2) A summary of the roles, responsibilities, and programs of each intelligence component of the Department in the processing, analysis, production, or dissemination of homeland security information and terrorism information, including relevant authorities and restrictions applicable to each such intelligence component.

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

“(4) Guidance for the dissemination of such information, including within the Department, among and between Federal departments and agencies, among and between State, local, Tribal, and territorial governments, including law enforcement, and with foreign partners and the private sector, consistent with the protection of privacy, civil rights, and civil liberties.

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

“(c) FORM.—The guidance required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

“(d) ANNUAL REVIEW.—For each of the five fiscal years beginning with the first fiscal year that begins after the date of the enactment of this section, the Secretary shall conduct a review of the guidance required under subsection (a) and, as appropriate, revise such guidance.”.

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

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

SEC. 3. COMPTROLLER GENERAL ASSESSMENT.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than one year after the date of the enactment of this Act and again not later than five years thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the degree to which guidance established pursuant to section 210H of the Homeland Security Act of 2002 (as added by section 2 of this Act) is implemented across the Department of Homeland Security. Such assessment should evaluate the extent to which such guidance is carried out in a manner that protects privacy, civil rights, and civil liberties.

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

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

(2) include any other subject matter the Comptroller General determines appropriate.

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

SEC. 4. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFICER.

Paragraph (1) of section 201(e) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)) is amended by adding at the end the following new sentence: “The Secretary

shall also provide the Chief Intelligence Officer with a staff having appropriate expertise and experience to assist the Chief Intelligence Officer.”.

PURPOSE AND SUMMARY

H.R. 2589, the “Unifying DHS Intelligence Enterprise Act,” seeks to improve the Department of Homeland Security’s (DHS) intelligence enterprise by ensuring intelligence officers across DHS are sharing information and countering threats in a unified manner. The bill directs the DHS Secretary, acting through the Chief Intelligence Officer, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, to develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information and terrorism information. The bill also requires an assessment and description of how the dissemination to the intelligence community and Federal law enforcement of such information assists such entities in carrying out their respective missions. An annual review of the guidance by the Secretary is required for each of the five years beginning with the first fiscal year that begins after the date of enactment. Additionally, the Secretary shall provide the Chief Intelligence Officer with a staff having the appropriate expertise and experience to assist the Chief Intelligence Officer.

BACKGROUND AND NEED FOR LEGISLATION

In December 2016, the Committee on Homeland Security released *Reviewing the Department of Homeland Security’s Intelligence Enterprise*, a comprehensive review of the Department’s use of intelligence to counter terrorist threats and prescribed 30 recommendations. Since the Department was established intelligence and information sharing capabilities have matured but DHS still lacks a coordinated intelligence enterprise. Given the diversity of missions across the Department, it is vital that component intelligence officers are working together, sharing information, and vetting that information against intelligence community holdings. This bill allows the Department to function with the same precision in the handling of intelligence information as its Intelligence Community counterparts.

HEARINGS

The Committee did not hold a legislative hearing on H.R. 2589 in the 116th Congress. However, the Committee held the following oversight hearings:

115th Congress

On April 18, 2018, the Committee held a hearing entitled “From Boston to Austin: Lessons Learned on Homeland Threat Information Sharing.” The Committee received testimony from Mr. Brian Manley, Chief, Austin Police Department, Austin, Texas; Mr. William B. Evans, Commissioner, Boston Police Department, Boston, Massachusetts; Mr. Kerry Sleeper, Assistant Director, Partnership and Engagement, Federal Bureau of Investigation, U.S. Department of Justice; Mr. James E. McDermond, Assistant Director, Of-

office of Strategic Intelligence and Information Bureau, Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice; and Mr. Peter Newsham, Chief of Police, Washington Metropolitan Police Department—Testifying on behalf of the Major Cities Chiefs Association.

On January 18, 2018, the Committee held a hearing entitled “Combating Transnational Gangs Through Information Sharing.” The Committee received testimony from Mr. Stephen E. Richardson, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation; Mr. Raymond Villaneuva, Assistant Director in Charge, International Operations, U.S. Immigration and Customs Enforcement; and Mr. Richard Glenn, Acting Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State.

114th Congress

On September 18, 2016, the Committee held a hearing entitled “State and Local Perspectives on Federal Information Sharing.” The Committee received testimony from Dr. Cedric Alexander, National President, National Organization of Black Law Enforcement Executives (NOBLE); Mr. Richard Beary, Chief, Immediate Past President, International Association of Chiefs of Police; and Mr. Mike Sena, President, National Fusion Center Association.

COMMITTEE CONSIDERATION

The Committee met on May 15, 2019, with a quorum being present, to consider H.R. 2589 and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by unanimous consent.

The following Amendment were offered and accepted by unanimous consent:

An amendment offered by Ms. Jackson Lee: Page 3, line 11, insert “, consistent with the protection of privacy, civil rights, and civil liberties” before the period.

Page 3, beginning line 12 strike “An assessment and” and insert “A”.

Insert after section 2 the following:

SEC. 3. COMPTROLLER GENERAL ASSESSMENT.

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. 2589.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET
AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

Department of Homeland Security Legislation			
As ordered reported by the House Committee on Homeland Security on May 15, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated; * = between zero and \$500,000; the table above applies to each bill described below.			

On May 15, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 542, the Supporting Research and Development for First Responders Act, which would codify laboratory programs that currently exist at the Department of Homeland Security (DHS);
- H.R. 2589, the Unifying DHS Intelligence Enterprise Act, which would direct DHS to manage and provide guidance for the use of intelligence throughout the department;
- H.R. 2590, the DHS Overseas Personnel Enhancement Act of 2019, which would require DHS to devise a plan to improve the effectiveness of department personnel who are stationed at foreign locations;
- H.R. 2609, the DHS Acquisition Review Board Act of 2019, which would direct the department to establish a board to review major acquisition programs and enhance accountability and uniformity in the review process for DHS acquisitions; and
- H.R. 2621, the Homeland Security Assessment of Terrorists Use of Ghost Guns Act, which would require DHS to evaluate the threat posed by firearms without unique serial numbers.

DHS is currently carrying out activities similar to those required by the bills listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each bill would not significantly affect spending by DHS.

The CBO staff contact for these estimates is Mark Grabowicz. The estimates were reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

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.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2589 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2589 directs the Secretary of the Department of Homeland Security through the Department's Chief Intelligence Officer, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, to develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information and terrorism information.

ADVISORY ON EARMARKS

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(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the "Unifying DHS Intelligence Enterprise Act".

Sec. 2. Homeland intelligence doctrine

This section requires the Secretary, acting through the Chief Intelligence Officer of the Department, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, shall develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information and terrorism information.

This section requires (1) a description of guiding principles and purposes of the Department's intelligence enterprise; (2) a summary of the roles, responsibilities, and programs of each intelligence component of the Department in the processing, analysis, production, or dissemination of homeland security information; (3) guidance for the processing, analysis, and production of such information; (4) guidance for the dissemination of such information, including within the Department, among and between Federal de-

partments and agencies, among and between State, local, Tribal, and territorial governments, including law enforcement, and with foreign partners and the private sector, consistent with the protection of privacy, civil rights, and civil liberties; and (5) a description of how the dissemination to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) and Federal law enforcement of such information assists such entities in carrying out their respective missions. The guidance must be submitted in unclassified form but may include a classified annex.

For the five years after enactment, the Secretary is required to conduct an annual review of the guidance and, as appropriate, revise such guidance to ensure component compliance and that such guidance meets the needs of the Department.

Sec. 3. Comptroller general assessment

This section requires the Government Accountability Office to complete an annual review for five years on the implementation of the guidance across the DHS intelligence enterprise. The review shall include an evaluation of privacy, civil rights, and civil liberty protections.

Sec. 4. Analysts for the Chief Intelligence Officer

This section requires the Secretary to provide the Chief Intelligence Officer with a staff having appropriate expertise and experience to assist the Chief Intelligence Officer. For the past several years, the Chief Intelligence Officer has identified existing staff from within the Office of Intelligence and Analysis to work primarily on DHS intelligence enterprise issues. Additionally, personnel from component intelligence offices are serving as principal leads on several, newly created “Mission Centers” within the Office of Intelligence and Analysis. The Committee supports these ongoing efforts to utilize existing personnel to support and enhance the intelligence enterprise. The intention of this section is to ensure that existing employees continue to dedicate time and resources to the intelligence enterprise.

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 (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:

Sec. 1. Short title; table of contents.

* * * * *

TITLE II—INFORMATION ANALYSIS

Subtitle A—Information and analysis; Access to Information

* * * * *

Sec. 210H. Homeland intelligence doctrine.

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TITLE II—INFORMATION ANALYSIS**Subtitle A—Information and Analysis;
Access to Information****SEC. 201. INFORMATION AND ANALYSIS.**

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

(b) UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.—

(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.

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

(d) RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS.—The responsibilities of the Secretary relating to intelligence and analysis 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 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

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

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

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

(17) To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, standards, 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.

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

(19) 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.

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

(21) 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.

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

(23)(A) Not later than six months after the date of the enactment of this paragraph, to conduct an intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure, and submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate—

(i) a recommended strategy to protect and prepare the critical infrastructure of the homeland against threats of EMP and GMD; and

(ii) not less frequently than every two years thereafter for the next six years, updates of the recommended strategy.

(B) The recommended strategy under subparagraph (A) shall—

(i) be based on findings of the research and development conducted under section 320;

(ii) be developed in consultation with the relevant Federal sector-specific agencies (as defined under Presidential Policy Directive-21) for critical infrastructure;

(iii) be developed in consultation with the relevant sector coordinating councils for critical infrastructure;

(iv) be informed, to the extent practicable, by the findings of the intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure conducted under subparagraph (A); and

(v) be submitted in unclassified form, but may include a classified annex.

(C) The Secretary may, if appropriate, incorporate the recommended strategy into a broader recommendation developed by the Department to help protect and prepare critical infrastructure from terrorism, cyber attacks, and

other threats if, as incorporated, the recommended strategy complies with subparagraph (B).

(e) STAFF.—

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

(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 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, in-

cluding 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.

* * * * *

SEC. 210H. HOMELAND INTELLIGENCE DOCTRINE.

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Chief Intelligence Officer of the Department, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, shall develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information (as such term is defined in section 892) and terrorism information (as such term is defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)).

(b) *CONTENTS.*—The guidance required under subsection (a) shall, at a minimum, include the following:

(1) A description of guiding principles and purposes of the Department's intelligence enterprise.

(2) A summary of the roles, responsibilities, and programs of each intelligence component of the Department in the processing, analysis, production, or dissemination of homeland security information and terrorism information, including relevant authorities and restrictions applicable to each such intelligence component.

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

(4) Guidance for the dissemination of such information, including within the Department, among and between Federal departments and agencies, among and between State, local, Tribal, and territorial governments, including law enforcement, and with foreign partners and the private sector, consistent with the protection of privacy, civil rights, and civil liberties.

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

(c) *FORM.*—The guidance required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) *ANNUAL REVIEW.*—For each of the five fiscal years beginning with the first fiscal year that begins after the date of the enactment of this section, the Secretary shall conduct a review of the guidance required under subsection (a) and, as appropriate, revise such guidance.

* * * * *