

117TH CONGRESS
1ST SESSION

H. R. 5405

To amend the National Security Act of 1947, to direct the Director of National Intelligence to submit a biennial report on the biodefense activities and duties of the intelligence community, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2021

Mr. SWALWELL introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To amend the National Security Act of 1947, to direct the Director of National Intelligence to submit a biennial report on the biodefense activities and duties of the intelligence community, 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 “Biological Intelligence
5 Oversight Reporting Act”.

1 **SEC. 2. BIENNIAL REPORT ON BIODEFENSE ACTIVITIES**
2 **AND DUTIES OF INTELLIGENCE COMMUNITY.**

3 (a) BIENNIAL REPORT.—Title I of the National Se-
4 curity Act of 1947 (50 U.S.C. 3021 et seq.) is amended
5 by adding at the end the following new section (and con-
6 forming the table of contents at the beginning of such Act
7 accordingly):

8 **“SEC. 121. BIENNIAL REPORT ON BIODEFENSE ACTIVITIES**
9 **AND DUTIES.**

10 “(a) REPORT.—On a biennial basis, the Director of
11 National Intelligence, in coordination with the heads of the
12 elements of the intelligence community determined rel-
13 evant by the Director, shall submit to the congressional
14 intelligence committees a comprehensive report on the ac-
15 tivities, prioritization, and responsibilities of the intel-
16 ligence community relating to biodefense and biological
17 threats.

18 “(b) ELEMENTS INCLUDED.—Each report under
19 subsection (a) shall include, with respect to the time pe-
20 riod covered by the report, the following:

21 “(1) A detailed description of all covered activi-
22 ties undertaken by the intelligence community,
23 disaggregated by element of the intelligence com-
24 munity.

25 “(2) A detailed description of all covered duties
26 that are—

1 “(A) explicitly assigned to, or led by, the
2 Office of the Director of National Intelligence
3 (including the National Intelligence Council, the
4 National Intelligence Management Council, and
5 any center in the Office of the Director of Na-
6 tional Intelligence);

7 “(B) explicitly assigned to, or led by, an
8 element of the intelligence community other
9 than the element specified in subparagraph (A);
10 or

11 “(C) otherwise shared collectively by, or
12 jointly within, the intelligence community.

13 “(3) An assessment of any gaps in the covered
14 activities or covered duties of the intelligence com-
15 munity.

16 “(4) An inventory and assessment of the cur-
17 rent authorities, strategies, plans, policies, and inter-
18 agency agreements of the intelligence community re-
19 lating to biodefense or the countering of biological
20 threats, including with respect to prevention, deter-
21 rence, preparedness, detection, response, attribution,
22 recovery, and mitigation.

23 “(5) An assessment of any gaps in the authori-
24 ties, strategies, plans, policies, or interagency agree-
25 ments described in paragraph (4).

1 “(6) A detailed description and characterization
2 of the following:

3 “(A) The coordination among the elements
4 of the intelligence community with respect to
5 covered activities and covered duties.

6 “(B) The coordination and integration be-
7 tween elements of the intelligence community
8 and non-intelligence community partners with
9 respect to covered activities and covered duties.

10 “(C) Any interactions between the ele-
11 ments of the intelligence community and non-
12 intelligence community partners with respect to
13 covered activities, dissegregated by element of
14 the intelligence community.

15 “(D) Any interactions between the ele-
16 ments of the intelligence community and the
17 managers of intelligence functions (as specified
18 in section 103J of this title) with respect to
19 covered activities.

20 “(E) Any interactions between the entities
21 specified in subparagraph (D) and the Presi-
22 dent with respect to covered activities, including
23 an identification of any positions within the Ex-
24 ecutive Office of the President involved in such
25 interactions.

1 “(7) A detailed description of how funds are
2 used to carry out biological intelligence activities, in-
3 cluding covered activities of the intelligence commu-
4 nity.

5 “(8) An assessment of the spread and effect of
6 foreign-sourced misinformation and disinformation
7 relating to biodefense and biological threats.

8 “(9) A detailed description of the capabilities of
9 the intelligence community that could contribute to
10 any efforts by non-intelligence community partners
11 to such misinformation and disinformation.

12 “(10) A detailed description of any previous,
13 ongoing, or planned efforts or activities of the intel-
14 ligence community in support of the implementation
15 of the National Biodefense Strategy by the Bio-
16 defense Steering Committee, or such successor com-
17 mittee.

18 “(11) An inventory and assessment of the cur-
19 rent strategies, plans, policies, and interagency
20 agreements of the intelligence community in support
21 of the Biodefense Steering Committee, or such suc-
22 cessor committee, and the implementation of the Na-
23 tional Biodefense Strategy.

24 “(12) A description of assessed opportunities
25 for the intelligence community to further enhance

1 the capabilities and effectiveness of the Biodefense
2 Steering Committee, or such successor committee,
3 with respect to the implementation of the National
4 Biodefense Strategy.

5 “(c) FORM.—Any report required to be submitted
6 under subsection (a) may be submitted in a classified
7 form.

8 “(d) DEFINITIONS.—In this section:

9 “(1) BIODEFENSE.—The term ‘biodefense’ in-
10 cludes actions to counter biological threats, reduce
11 risks associated with such threats, and prepare for,
12 respond to, and recover from, biological incidents.

13 “(2) BIODEFENSE STEERING COMMITTEE.—
14 The term ‘Biodefense Steering Committee’ means
15 the committee established pursuant to the presi-
16 dential memorandum issued on September 18, 2018,
17 and titled ‘Presidential Memorandum on the Sup-
18 port for National Biodefense’.

19 “(3) BIOLOGICAL THREAT.—The term ‘biologi-
20 cal threat’ includes biological warfare, bioterrorism,
21 naturally occurring infectious diseases, and acci-
22 dental exposures.

23 “(4) COVERED ACTIVITY.—The term ‘covered
24 activity’—

1 “(A) means an activity relating to bio-
2 defense or biological threats; and

3 “(B) includes any intelligence, science and
4 technology, or research and development activ-
5 ity relating to biodefense or a biological threat.

6 “(5) COVERED DUTY.—The term ‘covered duty’
7 means a duty or responsibility relating to biodefense
8 or biological threats.

9 “(6) NATIONAL BIODEFENSE STRATEGY.—The
10 term ‘National Biodefense Strategy’ means the
11 strategy specified in section 1086 of the National
12 Defense Authorization Act for Fiscal Year 2017 (6
13 U.S.C. 104).

14 “(7) NON-INTELLIGENCE COMMUNITY PART-
15 NER.—The term ‘non-intelligence community part-
16 ner’ means a department or agency of the Federal
17 government, a State or local government, an Indian
18 Tribe, or a territory of the United States, that is not
19 an element of the intelligence community.”.

20 (b) FIRST REPORT.—Not later than 180 days after
21 the date of the enactment of this Act, the Director of Na-
22 tional Intelligence shall submit to the congressional intel-
23 ligence committees (as such term is defined in section 3
24 of the National Security Act of 1947 (50 U.S.C. 3003))

- 1 the first report required under section 121 of such Act,
- 2 as added by subsection (a).

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