

115TH CONGRESS
2D SESSION

H. R. 6198

To amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2018

Mr. DONOVAN (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, 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 “Countering Weapons
5 of Mass Destruction Act of 2018”.

1 **SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION**
2 **OFFICE.**

3 (a) IN GENERAL.—Title XIX of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 591 et seq.) is amended—

5 (1) in the title heading, by striking “**DOMES-**
6 **TIC NUCLEAR DETECTION OFFICE**” and
7 inserting “**COUNTERING WEAPONS OF**
8 **MASS DESTRUCTION OFFICE**”;

9 (2) by striking section 1901 and inserting the
10 following:

11 **“SEC. 1900. DEFINITIONS.**

12 “In this title:

13 “(1) ASSISTANT SECRETARY.—The term ‘As-
14 sistant Secretary’ means the Assistant Secretary for
15 the Countering Weapons of Mass Destruction Office.

16 “(2) OFFICE.—The term ‘Office’ means the
17 Countering Weapons of Mass Destruction Office es-
18 tablished under section 1901(a).

19 “(3) WEAPON OF MASS DESTRUCTION.—The
20 term ‘weapon of mass destruction’ has the meaning
21 given the term in section 101 of the Foreign Intel-
22 ligence Surveillance Act of 1978 (50 U.S.C. 1801).

1 **“Subtitle A—Countering Weapons**
2 **of Mass Destruction Office**

3 **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUC-**
4 **TION OFFICE.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Department a Countering Weapons of Mass Destruction
7 Office.

8 “(b) ASSISTANT SECRETARY.—The Office shall be
9 headed by an Assistant Secretary for the Countering
10 Weapons of Mass Destruction Office, who shall be ap-
11 pointed by the President.

12 “(c) RESPONSIBILITIES.—The Assistant Secretary
13 shall serve as the Secretary’s principal advisor on—

14 “(1) weapons of mass destruction matters and
15 strategies; and

16 “(2) coordinating efforts to counter weapons of
17 mass destruction.”;

18 (3) by adding at the end the following:

19 **“Subtitle B—Mission of the Office**

20 **“SEC. 1921. MISSION OF THE OFFICE.**

21 “The Office shall be responsible for coordinating with
22 other Federal efforts and developing departmental strat-
23 egy and policy to plan, detect, and protect against the im-
24 portation, possession, storage, transportation, develop-
25 ment, or use of unauthorized chemical, biological, radio-

1 logical, or nuclear materials, devices, or agents in the
2 United States and to protect against an attack using such
3 materials, devices, or agents against the people, territory,
4 or interests of the United States.

5 **“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**
6 **TIES AND FEDERAL AGENCIES.**

7 “(a) IN GENERAL.—The authority of the Assistant
8 Secretary under this title shall neither affect nor diminish
9 the authority or the responsibility of any officer of the De-
10 partment or of any officer of any other department or
11 agency of the United States with respect to the command,
12 control, or direction of the functions, personnel, funds, as-
13 sets, and liabilities of any entity within the Department
14 or any Federal department or agency.

15 “(b) FEDERAL EMERGENCY MANAGEMENT AGEN-
16 CY.—Nothing in this title or any other provision of law
17 may be construed to affect or reduce the responsibilities
18 of the Federal Emergency Management Agency or the Ad-
19 ministrator or the Agency, including the diversion of any
20 asset, function, or mission of the Agency or the Adminis-
21 trator of the Agency.”;

22 (4) by striking section 1905;

23 (5) by redesignating sections 1902, 1903, 1904,
24 1906, and 1907 as sections 1923, 1924, 1925, 1926,
25 and 1927, respectively, and transferring such sec-

1 tions to appear after section 1922, as added by
2 paragraph (3);

3 (6) in section 1923, as so redesignated, in the
4 section heading by striking “**MISSION OF OFFICE**”
5 and inserting “**RESPONSIBILITIES**”; and

6 (7) by inserting after section 1927, as so reded-
7 igned, the following new section:

8 **“SEC. 1928. SECURING THE CITIES PROGRAM.**

9 “(a) ESTABLISHMENT.—The Secretary, through the
10 Assistant Secretary for the Countering Weapons of Mass
11 Destruction Office, shall establish the ‘Securing the Cities’
12 (‘STC’) program to enhance the ability of the United
13 States to detect and prevent terrorist attacks and other
14 high consequence events utilizing nuclear or other radio-
15 logical materials that pose a high risk to homeland secu-
16 rity in high-risk urban areas. Through the STC program
17 the Secretary shall—

18 “(1) assist State, local, tribal, and territorial
19 governments in designing and implementing, or en-
20 hancing existing, architectures for coordinated and
21 integrated detection and interdiction of nuclear or
22 other radiological materials that are out of regu-
23 latory control;

24 “(2) support the development of a region-wide
25 operating capability to detect and report on nuclear

1 and other radioactive materials out of regulatory
2 control;

3 “(3) provide resources to enhance detection,
4 analysis, communication, and coordination to better
5 integrate into Federal operations State, local, tribal,
6 and territorial assets;

7 “(4) facilitate alarm adjudication and provide
8 subject matter expertise and technical assistance on
9 concepts of operations, training, exercises, and alarm
10 response protocols;

11 “(5) communicate with, and promote sharing of
12 information about the presence or detection of nu-
13 clear or other radiological materials among appro-
14 priate Federal, State, local, tribal, and territorial
15 governments, in a manner that ensures transparency
16 with the jurisdictions served by such program;

17 “(6) provide augmenting resources, as appro-
18 priate, to enable State, local, tribal, and territorial
19 governments to sustain and refresh their capabilities
20 developed under the STC program; and

21 “(7) provide any other assistance the Secretary
22 determines appropriate.

23 “(b) DESIGNATION OF JURISDICTIONS.—In carrying
24 out the STC program under subsection (a), the Secretary
25 shall designate jurisdictions from among high-risk urban

1 areas under section 2003, and other cities and regions,
2 as appropriate.

3 “(c) CONGRESSIONAL NOTIFICATION.—The Sec-
4 retary shall notify the Committee on Homeland Security
5 and the Committee on Appropriations of the House of
6 Representatives and the Committee on Homeland Security
7 and Governmental Affairs and the Committee on Appro-
8 priations of the Senate not later than three days before
9 the designation of a new jurisdiction in accordance with
10 subsection (b) or any other change to participating juris-
11 dictions.”.

12 (b) REFERENCES AND CONSTRUCTION.—

13 (1) IN GENERAL.—For purposes of sections
14 1923 through 1927 of the Homeland Security Act of
15 2002, as so redesignated by subsection (a), any ref-
16 erence to—

17 (A) the Domestic Nuclear Detection Office
18 shall be deemed to be a reference to the Coun-
19 tering Weapons of Mass Destruction Office; and

20 (B) the Director for Domestic Nuclear De-
21 tection shall be deemed to be a reference to the
22 Assistant Secretary for the Countering Weap-
23 ons of Mass Destruction Office.

24 (2) CONSTRUCTION.—Sections 1923 through
25 1927 of the Homeland Security Act of 2002, as so

1 redesignated by subsection (a), shall be construed to
2 cover the chemical and biological responsibilities of
3 the Assistant Secretary for the Countering Weapons
4 of Mass Destruction Office.

5 (3) AUTHORITY.—The authority of the Director
6 of the Domestic Nuclear Detection Office to make
7 grants is transferred to the Assistant Secretary for
8 the Countering Weapons of Mass Destruction, and
9 such authority shall be construed to include grants
10 for all purposes of title XIX of the Homeland Secu-
11 rity Act of 2002, as amended by this Act.

12 (c) CHIEF MEDICAL OFFICER.—

13 (1) REPEAL.—Title V of the Homeland Secu-
14 rity Act of 2002 (6 U.S.C. 311 et seq.) is amended
15 by striking section 516.

16 (2) AMENDMENT.—Title XIX of the Homeland
17 Security Act of 2002 (6 U.S.C. 591 et seq.), as
18 amended by subsection (a), is further amended by
19 adding at the end the following:

20 **“Subtitle C—Chief Medical Officer**

21 **“SEC. 1931. CHIEF MEDICAL OFFICER.**

22 “(a) IN GENERAL.—There is in the Office a Chief
23 Medical Officer, who shall be appointed by the President.
24 The Chief Medical Officer shall report to the Assistant
25 Secretary.

1 “(b) QUALIFICATIONS.—The individual appointed as
2 Chief Medical Officer shall be a licensed physician pos-
3 sessing a demonstrated ability in and knowledge of medi-
4 cine and public health.

5 “(c) RESPONSIBILITIES.—The Chief Medical Officer
6 shall have the responsibility within the Department for
7 medical issues related to natural disasters, acts of ter-
8 rorism, and other man-made disasters, including—

9 “(1) serving as the principal advisor on medical
10 and public health issues to the Secretary, the Ad-
11 ministrator of the Federal Emergency Management
12 Agency, the Assistant Secretary, and other Depart-
13 ment officials;

14 “(2) providing operational medical support to
15 all components of the Department;

16 “(3) as appropriate, providing medical liaisons
17 to the components of the Department, on a reim-
18 bursable basis, to provide subject matter expertise
19 on operational medical issues;

20 “(4) coordinating with Federal, State, local,
21 and tribal governments, the medical community, and
22 others within and outside the Department, including
23 the Centers for Disease Control and Prevention of
24 the Department of Health and Human Services,

1 with respect to medical and public health matters;
2 and

3 “(5) performing such other duties relating to
4 such responsibilities as the Secretary may require.”.

5 (3) CLERICAL AMENDMENT.—The table of con-
6 tents in section 1(b) of the Homeland Security Act
7 of 2002 is amended by striking the item relating to
8 section 516.

9 (d) WORKFORCE HEALTH AND MEDICAL SUP-
10 PORT.—

11 (1) IN GENERAL.—Title VII of the Homeland
12 Security Act of 2002 (6 U.S.C. 341 et seq.) is
13 amended by adding at the end the following new sec-
14 tion:

15 **“SEC. 710. WORKFORCE HEALTH AND MEDICAL SUPPORT.**

16 “(a) IN GENERAL.—The Under Secretary for Man-
17 agement shall be responsible for workforce-focused health
18 and medical activities of the Department. The Under Sec-
19 retary for Management may further delegate these respon-
20 sibilities, as appropriate.

21 “(b) RESPONSIBILITIES.—The Under Secretary for
22 Management, in coordination with the Chief Medical Offi-
23 cer, shall—

1 “(1) provide oversight and coordinate the med-
2 ical and health activities of the Department for the
3 human and animal personnel of the Department;

4 “(2) establish medical, health, veterinary, and
5 occupational health exposure policy, guidance, strat-
6 egies, and initiatives for the human and animal per-
7 sonnel of the Department;

8 “(3) as deemed appropriate by the Under Sec-
9 retary, provide medical liaisons to the components of
10 the Department, on a reimbursable basis, to provide
11 subject matter expertise on occupational medical and
12 public health issues;

13 “(4) serve as the primary representative for the
14 Department on agreements regarding the detail of
15 Commissioned Corps officers of the Public Health
16 Service of the Department of Health and Human
17 Services to the Department, except that components
18 and offices of the Department shall retain authority
19 for funding, determination of specific duties, and su-
20 pervision of such detailed Commissioned Corps offi-
21 cers; and

22 “(5) perform such other duties relating to such
23 responsibilities as the Secretary may require.”.

24 (e) TRANSFERS; ABOLISHMENT.—

1 (1) TRANSFERS.—The Secretary of Homeland
2 Security shall transfer to the Countering Weapons of
3 Mass Destruction Office all personnel, budget au-
4 thority, and assets of—

5 (A) the Domestic Nuclear Detection Office,
6 as in existence on the day before the date of the
7 enactment of this Act; and

8 (B) the Office of Health Affairs, as in ex-
9 istence on the day before the date of the enact-
10 ment of this Act.

11 (2) ABOLISHMENT.—Upon completion of all
12 transfers pursuant to paragraph (1)—

13 (A) the Domestic Nuclear Detection Office
14 of the Department of Homeland Security and
15 the Office of Health Affairs of the Department
16 of Homeland Security are abolished; and

17 (B) the positions of Assistant Secretary for
18 Health Affairs and Director for Domestic Nu-
19 clear Detection are abolished.

20 (f) CONFORMING AMENDMENTS.—

21 (1) OTHER OFFICERS.—Section 103(d) of the
22 Homeland Security Act of 2002 (6 U.S.C. 113(d))
23 is amended—

24 (A) by striking paragraph (4); and

1 (B) by redesignating paragraph (5) as
2 paragraph (4).

3 (2) NATIONAL BIOSURVEILLANCE INTEGRATION
4 CENTER.—Section 316(a) of the Homeland Security
5 Act of 2002 (6 U.S.C. 195b(a)) is amended by strik-
6 ing “Secretary shall” and inserting “Secretary, act-
7 ing through the Assistant Secretary for the Coun-
8 tering Weapons of Mass Destruction Office, shall”.

9 (3) INTERNATIONAL COOPERATION.—Section
10 317(f) of the Homeland Security Act of 2002 (6
11 U.S.C. 195c(f)) is amended by striking “the Chief
12 Medical Officer,” and inserting “the Assistant Sec-
13 retary for the Countering Weapons of Mass Destruc-
14 tion Office,”.

15 (4) FUNCTIONS TRANSFERRED.—Section
16 505(b) of the Homeland Security Act of 2002 (6
17 U.S.C. 315(b)) is amended—

18 (A) by striking paragraph (4);

19 (B) by redesignating paragraph (5) as
20 paragraph (4); and

21 (C) in paragraph (4), as so redesignated,
22 by striking “through (4)” and inserting
23 “through (3)”.

24 (5) COORDINATION OF DEPARTMENT OF HOME-
25 LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-

1 CULTURE, AND VETERINARY DEFENSE AGAINST
2 TERRORISM.—Section 528(a) of the Homeland Security
3 Act of 2002 (6 U.S.C. 321q(a)) is amended by
4 striking “Health Affairs,” and inserting “the Counter-
5 ing Weapons of Mass Destruction Office,”.

6 (g) DEPARTMENT OF HOMELAND SECURITY CHEM-
7 ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR AC-
8 TIVITIES.—Not later than one year after the date of enact-
9 ment of this Act and once every year thereafter, the Sec-
10 retary of Homeland Security shall provide a briefing and
11 report to the appropriate congressional committees (as de-
12 fined in section 2 of the Homeland Security Act of 2002
13 (6 U.S.C. 101) on—

14 (1) the organization and management of the
15 chemical, biological, radiological, and nuclear activi-
16 ties of the Department of Homeland Security, in-
17 cluding research and development activities, and the
18 location of each activity under the organizational
19 structure of the Countering Weapons of Mass De-
20 struction Office;

21 (2) a comprehensive inventory of chemical, bio-
22 logical, radiological, and nuclear activities, including
23 research and development activities, of the Depart-
24 ment of Homeland Security, highlighting areas of
25 collaboration between components, coordination with

1 other agencies, and the effectiveness and accomplish-
2 ments of consolidated chemical, biological, radio-
3 logical, and nuclear activities of the Department of
4 Homeland Security, including research and develop-
5 ment activities;

6 (3) information relating to how the organiza-
7 tional structure of the Countering Weapons of Mass
8 Destruction Office will enhance the development of
9 chemical, biological, radiological, and nuclear prior-
10 ities and capabilities across the Department of
11 Homeland Security;

12 (4) a discussion of any resulting cost savings
13 and efficiencies gained through activities described
14 in paragraphs (1) and (2); and

15 (5) recommendations for any necessary statu-
16 tory changes, or, if no statutory changes are nec-
17 essary, an explanation of why no statutory or orga-
18 nizational changes are necessary.

19 (h) CLERICAL AMENDMENTS.—The table of contents
20 in section 1(b) of the Homeland Security Act of 2002 is
21 amended—

22 (1) by inserting after the item relating to sec-
23 tion 709 the following:

“Sec. 710. Workforce health and medical support.”;

24 and

1 (2) by striking the item relating to title XIX
2 (including items relating to section 1901 through
3 section 1907) and inserting the following:

“TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION
OFFICE

“Sec. 1900. Definitions.

“Subtitle A—Countering Weapons of Mass Destruction Office

“Sec. 1901. Countering Weapons of Mass Destruction Office.

“Subtitle B—Mission of the Office

“Sec. 1921. Mission of the Office.

“Sec. 1922. Relationship to other department entities and Federal agencies.

“Sec. 1923. Responsibilities.

“Sec. 1924. Hiring authority.

“Sec. 1925. Testing authority.

“Sec. 1926. Contracting and grant making authorities.

“Sec. 1927. Joint annual interagency review of global nuclear detection archi-
tecture.

“Sec. 1928. Securing the Cities program.

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

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