

Union Calendar No. 716

115TH CONGRESS
2D SESSION

H. R. 6198

[Report No. 115-923, Part I]

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

SEPTEMBER 7, 2018

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

SEPTEMBER 7, 2018

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 22, 2018]

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”.*

6 **SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION OF-**
7 ****FICE.****

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

10 *(1) in the title heading, by striking “**DOMES-***
11 ***TIC NUCLEAR DETECTION OFFICE**” and*
12 *inserting “**COUNTERING WEAPONS OF***
13 ***MASS DESTRUCTION OFFICE**”;*

14 *(2) by striking section 1901 and inserting the*
15 *following:*

16 **“SEC. 1900. DEFINITIONS.**

17 *“In this title:*

18 *“(1) ASSISTANT SECRETARY.—The term ‘Assist-*
19 *ant Secretary’ means the Assistant Secretary for the*
20 *Countering Weapons of Mass Destruction Office.*

21 *“(2) INTELLIGENCE COMMUNITY.—The term ‘in-*
22 *telligence community’ has the meaning given such*
23 *term in section 3(4) of the National Security Act of*
24 *1947 (50 U.S.C. 3003(4)).*

1 “(d) *DETAILS.*—The Secretary may request that the
2 Secretary of Defense, the Secretary of Energy, the Secretary
3 of State, the Attorney General, the Nuclear Regulatory
4 Commission, and the directors of other Federal agencies, in-
5 cluding elements of the intelligence community, provide for
6 the reimbursable detail of personnel with relevant expertise
7 to the Office.”;

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

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

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

11 *“The Office shall be responsible for coordinating with*
12 *other Federal efforts and developing departmental strategy*
13 *and policy to plan for, detect, and protect against the im-*
14 *portation, possession, storage, transportation, development,*
15 *or use of unauthorized chemical, biological, radiological, or*
16 *nuclear materials, devices, or agents in the United States*
17 *and to protect against an attack using such materials, de-*
18 *vices, or agents against the people, territory, or interests*
19 *of the United States.*

20 **“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**
21 **TIES AND FEDERAL AGENCIES.**

22 “(a) *IN GENERAL.*—The authority of the Assistant
23 Secretary under this title shall neither affect nor diminish
24 the authority or the responsibility of any officer of the De-
25 partment or of any officer of any other department or agen-

1 *cy of the United States with respect to the command, con-*
2 *trol, or direction of the functions, personnel, funds, assets,*
3 *and liabilities of any entity within the Department or any*
4 *Federal department or agency.*

5 “(b) *FEDERAL EMERGENCY MANAGEMENT AGENCY.—*
6 *Nothing in this title or any other provision of law may*
7 *be construed to affect or reduce the responsibilities of the*
8 *Federal Emergency Management Agency or the Adminis-*
9 *trator or the Agency, including the diversion of any asset,*
10 *function, or mission of the Agency or the Administrator of*
11 *the Agency.”;*

12 (4) *by striking section 1905;*

13 (5) *by redesignating sections 1902, 1903, 1904,*
14 *1906, and 1907 as sections 1923, 1924, 1925, 1926,*
15 *and 1927, respectively, and transferring such sections*
16 *to appear after section 1922, as added by paragraph*
17 *(3);*

18 (6) *in section 1923, as so redesignated—*

19 (A) *in the section heading by striking*
20 *“MISSION OF OFFICE” and inserting “RE-*
21 *SPONSIBILITIES”;* and

22 (B) *in subsection (a)(11), by striking “Do-*
23 *mestic Nuclear Detection Office” and inserting*
24 *“Office”;*

1 (7) *in section 1925, as so redesignated, in sub-*
2 *section (a), in the first sentence, by striking “section*
3 *1902” and inserting “section 1923”;*

4 (8) *in section 1926, as so redesignated—*

5 (A) *in the matter preceding paragraph*

6 (1)—

7 (i) *by striking “Director for Domestic*

8 *Nuclear Detection” and inserting “Assistant*

9 *Secretary”;* and

10 (ii) *by striking “paragraphs (6) and*

11 *(7) of section 1902(a)” and inserting “sec-*

12 *tion 1923”;* and

13 (B) *in paragraph (2), by striking “para-*

14 *graphs (6) and (7) of section 1902(a)” and in-*

15 *serting “section 1923”;*

16 (9) *in section 1927, as so redesignated—*

17 (A) *in subsection (a)(1)(C), in the matter*

18 *preceding clause (i), by striking “Director of the*

19 *Domestic Nuclear Detection Office” and insert-*

20 *ing “Assistant Secretary”;* and

21 (B) *in subsection (c), by striking “section*

22 *1902” and inserting “section 1923”;* and

23 (10) *by inserting after section 1927, as so redesi-*
24 *gnated, the following new section:*

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

2 “(a) *ESTABLISHMENT.*—*The Secretary, through the*
3 *Assistant Secretary for the Countering Weapons of Mass*
4 *Destruction Office, shall establish the ‘Securing the Cities’*
5 *(‘STC’) program to enhance the ability of the United States*
6 *to detect and prevent terrorist attacks and other high con-*
7 *sequence events utilizing nuclear or other radiological mate-*
8 *rials that pose a high risk to homeland security in high-*
9 *risk urban areas. Through the STC program the Secretary*
10 *shall—*

11 “(1) *assist State, local, tribal, and territorial*
12 *governments in designing and implementing, or en-*
13 *hancing existing, architectures for coordinated and*
14 *integrated detection and interdiction of nuclear or*
15 *other radiological materials that are out of regulatory*
16 *control;*

17 “(2) *support the development of a region-wide*
18 *operating capability to detect and report on nuclear*
19 *and other radioactive materials out of regulatory con-*
20 *trol;*

21 “(3) *provide resources to enhance detection, anal-*
22 *ysis, communication, and coordination to better inte-*
23 *grate into Federal operations State, local, tribal, and*
24 *territorial assets;*

25 “(4) *facilitate alarm adjudication and provide*
26 *subject matter expertise and technical assistance on*

1 *concepts of operations, training, exercises, and alarm*
2 *response protocols;*

3 “(5) *communicate with, and promote sharing of*
4 *information about the presence or detection of nuclear*
5 *or other radiological materials among appropriate*
6 *Federal, State, local, tribal, and territorial govern-*
7 *ments, in a manner that ensures transparency with*
8 *the jurisdictions served by such program;*

9 “(6) *provide augmenting resources, as appro-*
10 *priate, to enable State, local, tribal, and territorial*
11 *governments to sustain and refresh their capabilities*
12 *developed under the STC program; and*

13 “(7) *provide any other assistance the Secretary*
14 *determines appropriate.*

15 “(b) *DESIGNATION OF JURISDICTIONS.—In carrying*
16 *out the STC program under subsection (a), the Secretary*
17 *shall designate jurisdictions from among high-risk urban*
18 *areas under section 2003, and other cities and regions, as*
19 *appropriate.*

20 “(c) *CONGRESSIONAL NOTIFICATION.—The Secretary*
21 *shall notify the Committee on Homeland Security and the*
22 *Committee on Appropriations of the House of Representa-*
23 *tives and the Committee on Homeland Security and Gov-*
24 *ernmental Affairs and the Committee on Appropriations of*
25 *the Senate not later than three days before the designation*

1 *of a new jurisdiction in accordance with subsection (b) or*
2 *any other change to participating jurisdictions.”.*

3 *(b) REFERENCES AND CONSTRUCTION.—*

4 *(1) IN GENERAL.—Any reference in any law,*
5 *regulation, document, paper, or other record of the*
6 *United States to—*

7 *(A) the Domestic Nuclear Detection Office*
8 *shall be deemed to be a reference to the Coun-*
9 *tering Weapons of Mass Destruction Office; and*

10 *(B) the Director for Domestic Nuclear De-*
11 *tection shall be deemed to be a reference to the*
12 *Assistant Secretary for the Countering Weapons*
13 *of Mass Destruction Office.*

14 *(2) CONSTRUCTION.—Sections 1923 through*
15 *1927 of the Homeland Security Act of 2002, as so re-*
16 *designated by subsection (a), shall be construed to*
17 *cover the chemical and biological responsibilities of*
18 *the Assistant Secretary for the Countering Weapons of*
19 *Mass Destruction Office.*

20 *(3) AUTHORITY.—The authority of the Director*
21 *of the Domestic Nuclear Detection Office to make*
22 *grants or enter into cooperative agreements is trans-*
23 *ferred to the Assistant Secretary for the Countering*
24 *Weapons of Mass Destruction Office, and such author-*
25 *ity shall be construed to include grants for all pur-*

1 poses of title XIX of the Homeland Security Act of
2 2002, as amended by this Act.

3 (c) *CHIEF MEDICAL OFFICER.*—

4 (1) *REPEAL.*—Title V of the Homeland Security
5 Act of 2002 (6 U.S.C. 311 et seq.) is amended by
6 striking section 516.

7 (2) *AMENDMENT.*—Title XIX of the Homeland
8 Security Act of 2002 (6 U.S.C. 591 et seq.), as
9 amended by subsection (a), is further amended by
10 adding at the end the following:

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

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

13 “(a) *IN GENERAL.*—There is in the Office a Chief Med-
14 ical Officer, who shall be appointed by the President. The
15 Chief Medical Officer shall report to the Assistant Sec-
16 retary.

17 “(b) *QUALIFICATIONS.*—The individual appointed as
18 Chief Medical Officer shall be a licensed physician pos-
19 sessing a demonstrated ability in and knowledge of medi-
20 cine and public health.

21 “(c) *RESPONSIBILITIES.*—The Chief Medical Officer
22 shall have the responsibility within the Department for
23 medical issues related to natural disasters, acts of terrorism,
24 and other man-made disasters, including—

1 “(1) serving as the principal advisor on medical
2 and public health issues to the Secretary, the Admin-
3 istrator of the Federal Emergency Management Agen-
4 cy, the Assistant Secretary, and other Department of-
5 ficials;

6 “(2) providing operational medical support to
7 all components of the Department;

8 “(3) as appropriate, providing medical liaisons
9 to the components of the Department, on a reimburs-
10 able basis, to provide subject matter expertise on oper-
11 ational medical issues;

12 “(4) coordinating with Federal, State, local, and
13 tribal governments, the medical community, and oth-
14 ers within and outside the Department, including the
15 Centers for Disease Control and Prevention of the De-
16 partment of Health and Human Services, with re-
17 spect to medical and public health matters; and

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

20 (3) CLERICAL AMENDMENT.—The table of con-
21 tents in section 1(b) of the Homeland Security Act of
22 2002 is amended by striking the item relating to sec-
23 tion 516.

24 (d) WORKFORCE HEALTH AND MEDICAL SUPPORT.—
25 Title VII of the Homeland Security Act of 2002 (6 U.S.C.

1 341 et seq.) is amended by adding at the end the following
2 new section:

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

4 “(a) *IN GENERAL.*—The Under Secretary for Manage-
5 ment shall be responsible for workforce-focused health and
6 medical activities of the Department. The Under Secretary
7 for Management may further delegate these responsibilities,
8 as appropriate.

9 “(b) *RESPONSIBILITIES.*—The Under Secretary for
10 Management, in coordination with the Chief Medical Offi-
11 cer, shall—

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

15 “(2) establish medical, health, veterinary, and
16 occupational health exposure policy, guidance, strate-
17 gies, and initiatives for the human and animal per-
18 sonnel of the Department;

19 “(3) as deemed appropriate by the Under Sec-
20 retary, provide medical liaisons to the components of
21 the Department, on a reimbursable basis, to provide
22 subject matter expertise on occupational medical and
23 public health issues;

24 “(4) serve as the primary representative for the
25 Department on agreements regarding the detail of

1 *Commissioned Corps officers of the Public Health*
2 *Service of the Department of Health and Human*
3 *Services to the Department, except that components*
4 *and offices of the Department shall retain authority*
5 *for funding, determination of specific duties, and su-*
6 *per vision of such detailed Commissioned Corps offi-*
7 *cers; and*

8 *“(5) perform such other duties relating to such*
9 *responsibilities as the Secretary may require.”.*

10 *(e) TRANSFERS; ABOLISHMENT.—*

11 *(1) TRANSFERS.—The Secretary of Homeland*
12 *Security shall transfer to—*

13 *(A) the Countering Weapons of Mass De-*
14 *struction Office all functions, personnel, budget*
15 *authority, and assets of—*

16 *(i) the Domestic Nuclear Detection Of-*
17 *fice, as in existence on the day before the*
18 *date of the enactment of this Act; and*

19 *(ii) the Office of Health Affairs, as in*
20 *existence on the day before the date of the*
21 *enactment of this Act, except for the func-*
22 *tions, personnel, budget authority, and as-*
23 *sets of such office necessary to perform the*
24 *functions specified in section 710 of the*
25 *Homeland Security Act of 2002 (relating to*

1 workforce health and medical support), as
2 added by this Act; and

3 (B) to the Directorate of Management of the
4 Department of Homeland Security all functions,
5 personnel, budget authority, and assets of the Of-
6 fice of Health Affairs, as in existence on the day
7 before the date of the enactment of this Act, that
8 are necessary to perform the functions of such
9 section 710.

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

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

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

19 (f) *CONFORMING AMENDMENTS.*—

20 (1) *OTHER OFFICERS.*—Paragraph (4) of section
21 103(d) of the Homeland Security Act of 2002 (6
22 U.S.C. 113(d)) is amended by striking “A Director
23 for Domestic Nuclear Detection” and inserting “An
24 Assistant Secretary for the Countering Weapons of
25 Mass Destruction Office”.

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

7 (3) *INTERNATIONAL COOPERATION.*—Section
8 317(f) of the Homeland Security Act of 2002 (6
9 U.S.C. 195c(f)) is amended by striking “the Chief
10 Medical Officer,” and inserting “the Assistant Sec-
11 retary for the Countering Weapons of Mass Destruc-
12 tion Office,”.

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

16 (A) by striking paragraph (4);

17 (B) by redesignating paragraph (5) as
18 paragraph (4); and

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

22 (5) *COORDINATION OF DEPARTMENT OF HOME-*
23 *LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-*
24 *CULTURE, AND VETERINARY DEFENSE AGAINST TER-*
25 *RORISM.*—Section 528(a) of the Homeland Security

1 *Act of 2002 (6 U.S.C. 321q(a)) is amended by strik-*
2 *ing “Health Affairs,” and inserting “the Countering*
3 *Weapons of Mass Destruction Office,”.*

4 *(g) DEPARTMENT OF HOMELAND SECURITY CHEM-*
5 *ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ACTIVI-*
6 *TIES.—Not later than one year after the date of enactment*
7 *of this Act and once every year thereafter, the Secretary*
8 *of Homeland Security shall provide a briefing and report*
9 *to the appropriate congressional committees (as defined in*
10 *section 2 of the Homeland Security Act of 2002 (6 U.S.C.*
11 *101) on—*

12 *(1) the organization and management of the*
13 *chemical, biological, radiological, and nuclear activi-*
14 *ties of the Department of Homeland Security, includ-*
15 *ing research and development activities, and the loca-*
16 *tion of each activity under the organizational struc-*
17 *ture of the Countering Weapons of Mass Destruction*
18 *Office;*

19 *(2) a comprehensive inventory of chemical, bio-*
20 *logical, radiological, and nuclear activities, including*
21 *research and development activities, of the Depart-*
22 *ment of Homeland Security, highlighting areas of col-*
23 *laboration between components, coordination with*
24 *other agencies, and the effectiveness and accomplish-*
25 *ments of consolidated chemical, biological, radio-*

1 *logical, and nuclear activities of the Department of*
2 *Homeland Security, including research and develop-*
3 *ment activities;*

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

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

13 *(5) information on how the Assistant Secretary*
14 *for the Countering Weapons of Mass Destruction Of-*
15 *fice is coordinating with the Under Secretary of*
16 *Science and Technology of the Department of Home-*
17 *land Security on research and development activities;*
18 *and*

19 *(6) recommendations for any necessary statutory*
20 *changes, or, if no statutory changes are necessary, an*
21 *explanation of why no statutory or organizational*
22 *changes are necessary.*

23 *(h) CLERICAL AMENDMENTS.—The table of contents in*
24 *section 1(b) of the Homeland Security Act of 2002 is*
25 *amended—*

1 (1) by inserting after the item relating to section
2 709 the following:

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

3 and

4 (2) by striking the item relating to title XIX (in-
5 cluding items relating to section 1901 through section
6 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 architec-
ture.

“Sec. 1928. Securing the Cities program.

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

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