

Union Calendar No. 255

114TH CONGRESS
1ST SESSION

H. R. 3875

[Report No. 114-334]

To amend the Homeland Security Act of 2002 to establish within the Department of Homeland Security a Chemical, Biological, Radiological, Nuclear, and Explosives Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2015

Mr. McCAUL (for himself, Ms. McSALLY, Mr. RATCLIFFE, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Homeland Security

NOVEMBER 16, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on November 2, 2015]

A BILL

To amend the Homeland Security Act of 2002 to establish within the Department of Homeland Security a Chemical, Biological, Radiological, Nuclear, and Explosives 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “De-*
 5 *partment of Homeland Security CBRNE Defense Act of*
 6 *2015”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; Table of contents.

Sec. 2. CBRNE Office.

Sec. 3. Chemical Division.

Sec. 4. Biological Division.

Sec. 5. Nuclear Division.

Sec. 6. Explosives Division.

Sec. 7. Savings provision.

Sec. 8. Clerical amendments.

9 **SEC. 2. CBRNE OFFICE.**

10 (a) *IN GENERAL.*—*The Homeland Security Act of*
 11 *2002 is amended by adding at the end the following new*
 12 *title:*

13 **“TITLE XXII—CBRNE OFFICE**
 14 **“Subtitle A—Chemical, Biological,**
 15 **Radiological, Nuclear, and Ex-**
 16 **plosives Office**

17 **“SEC. 2201. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**
 18 **CLEAR, AND EXPLOSIVES OFFICE.**

19 *“(a) ESTABLISHMENT.*—*There is established in the De-*
 20 *partment a Chemical, Biological, Radiological, Nuclear,*
 21 *and Explosives Office (referred to in this title as the*

1 ‘*CBRNE Office*’). *The CBRNE Office shall be comprised of*
2 *the Chemical Division, the Biological Division, the Nuclear*
3 *Division, and the Explosives Division. The CBRNE Office*
4 *may include a Health Division.*

5 “(b) *MISSION OF OFFICE.*—*The mission of the CBRNE*
6 *Office is to coordinate, strengthen, and provide chemical,*
7 *biological, radiological, nuclear, and explosives (CBRNE)*
8 *capabilities in support of homeland security.*

9 “(c) *ASSISTANT SECRETARY.*—*The Office shall be*
10 *headed by an Assistant Secretary for the Chemical, Biologi-*
11 *cal, Radiological, Nuclear, and Explosives Office (referred*
12 *to in this title as the ‘Assistant Secretary’), who shall be*
13 *appointed by the President by and with the advice and con-*
14 *sent of the Senate.*

15 “(d) *RESPONSIBILITIES.*—*The Assistant Secretary*
16 *shall—*

17 “(1) *develop, coordinate, and maintain overall*
18 *CBRNE strategy and policy for the Department;*

19 “(2) *develop, coordinate, and maintain for the*
20 *Department periodic CBRNE risk assessments;*

21 “(3) *serve as the primary Department represent-*
22 *ative for coordinating CBRNE activities with other*
23 *Federal departments and agencies;*

24 “(4) *provide oversight for the Department’s pre-*
25 *paredness for CBRNE threats;*

1 “(5) provide support for operations during
2 *CBRNE threats or incidents; and*

3 “(6) carry out such other responsibilities as the
4 Secretary determines appropriate, consistent with this
5 title.

6 “(e) *OTHER OFFICERS.*—The Director of the Chemical
7 Division, the Director of the Biological Division, the Direc-
8 tor of the Nuclear Division, and the Director of the Explo-
9 sives Division shall report directly to the Assistant Sec-
10 retary.

11 “**SEC. 2202. COMPOSITION OF THE CBRNE OFFICE.**

12 “*The Secretary shall transfer to the CBRNE Office, the*
13 *functions, personnel, budget authority, and assets of the fol-*
14 *lowing:*

15 “(1) *The Office of Health Affairs as in existence*
16 *on the day before the date of the enactment of this*
17 *title, including the Chief Medical Officer authorized*
18 *under section 516, and the National Biosurveillance*
19 *Integration Center authorized under section 316.*

20 “(2) *The Domestic Nuclear Detection Office au-*
21 *thorized under title XIX, as in existence on the date*
22 *before the date of the enactment of this title (and re-*
23 *designated as the Nuclear Division).*

1 “(3) *CBRNE threat awareness and risk assess-*
2 *ment activities of the Science and Technology Direc-*
3 *torate.*

4 “(4) *The CBRNE functions of the Office of Pol-*
5 *icy and the Office of Operations Coordination.*

6 “(5) *The Office for Bombing Prevention of the*
7 *National Protection and Programs Directorate, as in*
8 *existence on the day before the date of the enactment*
9 *of this title.*

10 **“SEC. 2203. HIRING AUTHORITY.**

11 *“In hiring personnel for the CBRNE Office, the Sec-*
12 *retary shall have the hiring and management authorities*
13 *provided in section 1101 of the Strom Thurmond National*
14 *Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.*
15 *3104 note; Public Law 105–261), except that the term of*
16 *appointments for employees under subsection (c)(1) of such*
17 *section may not exceed five years before granting any exten-*
18 *sion under subsection (c)(2) of such section.*

19 **“SEC. 2204. GRANTS, COOPERATIVE AGREEMENTS, AND**
20 **OTHER TRANSACTIONS AND CONTRACTS.**

21 *“The Assistant Secretary, in carrying out the respon-*
22 *sibilities under this title, may distribute funds through*
23 *grants, cooperative agreements, and other transactions and*
24 *contracts.*

1 **“SEC. 2205. TERRORISM RISK ASSESSMENTS.**

2 “(a) *TERRORISM RISK ASSESSMENTS.*—

3 “(1) *IN GENERAL.*—*The Assistant Secretary*
4 *shall, in coordination with relevant Department com-*
5 *ponents and other appropriate Federal departments*
6 *and agencies, develop, coordinate, and update periodi-*
7 *cally terrorism risk assessments of chemical, biologi-*
8 *cal, radiological, and nuclear threats.*

9 “(2) *COMPARISON.*—*The Assistant Secretary*
10 *shall develop, coordinate, and update periodically an*
11 *integrated terrorism risk assessment that assesses all*
12 *of the threats referred to in paragraph (1) and, as ap-*
13 *propriate, explosives threats, and compares each such*
14 *threat against one another according to their relative*
15 *risk.*

16 “(3) *INCLUSION IN ASSESSMENT.*—*Each ter-*
17 *rorism risk assessment under this subsection shall in-*
18 *clude a description of the methodology used for each*
19 *such assessment.*

20 “(4) *UPDATES.*—*Each terrorism risk assessment*
21 *under this subsection shall be updated not less often*
22 *than once every two years.*

23 “(5) *PROVISION TO CONGRESS.*—*The Assistant*
24 *Secretary shall provide a copy of each risk assessment*
25 *under this subsection to the Committee on Homeland*
26 *Security of the House of Representatives and the*

1 *Committee on Homeland Security and Governmental*
2 *Affairs of the Senate not later than 30 days after*
3 *completion of each such assessment.*

4 “(b) *METHODOLOGY.*—*In developing the terrorism risk*
5 *assessments under subsection (a), the Assistant Secretary,*
6 *in consultation with appropriate Federal departments and*
7 *agencies, shall—*

8 “(1) *assess the proposed methodology to be used*
9 *for such assessments; and*

10 “(2) *consider the evolving threat to the United*
11 *States as indicated by the intelligence community (as*
12 *such term is defined in section 3(4) of the National*
13 *Security Act of 1947 (50 U.S.C. 3003(4)).*

14 “(c) *USAGE.*—*The terrorism risk assessments required*
15 *under subsection (a) shall be used to inform and guide allo-*
16 *cation of resources for chemical, biological, radiological,*
17 *and nuclear threat activities of the Department.*

18 “(d) *INPUT AND SHARING.*—*The Assistant Secretary*
19 *shall, for each terrorism risk assessment under subsection*
20 *(a)—*

21 “(1) *seek input from national stakeholders and*
22 *other Federal, State, local, tribal, and territorial offi-*
23 *cial s involved in efforts to counter chemical, biologi-*
24 *cal, radiological, and nuclear threats;*

1 “(2) ensure that written procedures are in place
2 to guide the development of such assessments, includ-
3 ing for input, review, and implementation purposes,
4 among relevant Federal partners;

5 “(3) share such assessments with Federal, State,
6 local, tribal, and territorial officials with appropriate
7 security clearances and a need for the information in
8 the classified versions of such assessments; and

9 “(4) to the maximum extent practicable, make
10 available an unclassified version of such assessments
11 for Federal, State, local, tribal, and territorial offi-
12 cials involved in prevention and preparedness for
13 chemical, biological, radiological, and nuclear events.

14 **“SEC. 2206. CBRNE COMMUNICATIONS AND PUBLIC MES-**
15 **SAGING.**

16 “(a) *IN GENERAL.*—The Secretary, in coordination
17 with the Assistant Secretary, shall develop an overarching
18 risk communication strategy for terrorist attacks and other
19 high consequence events utilizing chemical, biological, radi-
20 ological, or nuclear agents or explosives that pose a high
21 risk to homeland security, and shall—

22 “(1) develop threat-specific risk communication
23 plans, in coordination with appropriate Federal de-
24 partments and agencies;

1 “(2) *develop risk communication messages, in-*
2 *cluding pre-scripted messaging to the extent prac-*
3 *ticable;*

4 “(3) *develop clearly defined interagency processes*
5 *and protocols to assure coordinated risk and incident*
6 *communications and information sharing during in-*
7 *cident response;*

8 “(4) *engage private and nongovernmental enti-*
9 *ties in communications planning, as appropriate;*

10 “(5) *identify ways to educate and engage the*
11 *public about CBRNE threats and consequences;*

12 “(6) *develop strategies for communicating using*
13 *social and new media; and*

14 “(7) *provide guidance on risk and incident com-*
15 *munications for CBRNE events to State, local, tribal,*
16 *and territorial governments, and other stakeholders,*
17 *as appropriate.*

18 “(b) *COMMUNICATION DURING RESPONSE.—The Sec-*
19 *retary shall provide appropriate timely, accurate informa-*
20 *tion to the public, governmental partners, the private sector,*
21 *and other appropriate stakeholders in the event of a sus-*
22 *pected or confirmed terrorist attack or other high con-*
23 *sequence event utilizing chemical, biological, radiological,*
24 *or nuclear agents or explosives that pose a high risk to*
25 *homeland security.*

1 “(c) *REPORTS.*—

2 “(1) *DEVELOPMENT EFFORTS.*—Not later than
3 120 days after the date of the enactment of this title,
4 the Secretary shall submit to the Committee on
5 Homeland Security of the House of Representatives
6 and the Committee on Homeland Security and Gov-
7 ernmental Affairs of the Senate a report on current
8 and future efforts of the Department to develop the
9 communication strategy required under subsection
10 (a).

11 “(2) *FINALIZATION.*—Not later than two years
12 after the date the report required under paragraph
13 (1) is submitted, the Secretary shall submit to the
14 Committee on Homeland Security of the House of
15 Representatives and the Committee on Homeland Se-
16 curity and Governmental Affairs of the Senate the
17 communication strategy required under subsection
18 (a).

19 **“SEC. 2207. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**
20 **CLEAR, AND EXPLOSIVES INTELLIGENCE AND**
21 **INFORMATION SHARING.**

22 “(a) *IN GENERAL.*—The Under Secretary of Intel-
23 ligence and Analysis of the Department shall—

24 “(1) support homeland security-focused intel-
25 ligence analysis of terrorist actors, their claims, and

1 *their plans to conduct attacks involving chemical, bio-*
2 *logical, radiological, or nuclear materials or explo-*
3 *sives against the United States;*

4 “(2) *support homeland security-focused intel-*
5 *ligence analysis of global infectious diseases, public*
6 *health, food, agricultural, and veterinary issues;*

7 “(3) *support homeland security-focused risk*
8 *analysis and risk assessments of the homeland secu-*
9 *urity hazards described in paragraphs (1) and (2) by*
10 *providing relevant quantitative and nonquantitative*
11 *threat information;*

12 “(4) *leverage existing and emerging homeland se-*
13 *curity intelligence capabilities and structures to en-*
14 *hance prevention, protection, response, and recovery*
15 *efforts with respect to a chemical, biological, radio-*
16 *logical, nuclear, or explosives attack;*

17 “(5) *share appropriate information regarding*
18 *such threats to appropriate State, local, tribal, and*
19 *territorial authorities, as well as other national bio-*
20 *security and biodefense stakeholders; and*

21 “(6) *perform other responsibilities, as assigned*
22 *by the Secretary.*

23 “(b) *COORDINATION.—Where appropriate, the Under*
24 *Secretary of Intelligence and Analysis shall coordinate with*
25 *the heads of other relevant Department components, includ-*

1 *ing the Assistant Secretary, members of the intelligence*
2 *community, including the National Counter Proliferation*
3 *Center and the National Counterterrorism Center, and*
4 *other Federal, State, local, tribal, and territorial authori-*
5 *ties, including officials from high-threat areas, to enable*
6 *such entities to provide recommendations on optimal infor-*
7 *mation sharing mechanisms, including expeditious sharing*
8 *of classified information, and on how such entities can pro-*
9 *vide information to the Department.*

10 “(c) *REPORT.—*

11 “(1) *IN GENERAL.—Not later than one year after*
12 *the date of the enactment of this section and annually*
13 *thereafter, the Secretary shall submit to the Com-*
14 *mittee on Homeland Security of the House of Rep-*
15 *resentatives and the Committee on Homeland Secu-*
16 *rity and Governmental Affairs of the Senate a report*
17 *on—*

18 “(A) *the intelligence and information shar-*
19 *ing activities under subsections (a) and (b) and*
20 *of all relevant entities within the Department to*
21 *prevent, protect against, prepare for, respond to,*
22 *mitigate, and recover from terrorist attacks and*
23 *other high consequence events utilizing chemical,*
24 *biological, radiological, or nuclear agents or ex-*

1 *plosives that pose a high risk to homeland secu-*
2 *rity; and*

3 *“(B) the Department’s activities in accord-*
4 *ance with relevant intelligence strategies.*

5 *“(2) ASSESSMENT OF IMPLEMENTATION.—Each*
6 *report required under paragraph (1) shall also in-*
7 *clude—*

8 *“(A) a description of methods established to*
9 *assess progress of the Office of Intelligence and*
10 *Analysis in implementing this section; and*

11 *“(B) such assessment of such progress.*

12 *“(d) DEFINITIONS.—In this section:*

13 *“(1) INTELLIGENCE COMMUNITY.—The term ‘in-*
14 *telligence community’ has the meaning given such*
15 *term in section 3(4) of the National Security Act of*
16 *1947 (50 U.S.C. 3003(4)).*

17 *“(2) NATIONAL BIOSECURITY AND BIODEFENSE*
18 *STAKEHOLDERS.—The term ‘national biosecurity and*
19 *biodefense stakeholders’ means officials from Federal,*
20 *State, local, tribal, and territorial authorities and in-*
21 *dividuals from the private sector who are involved in*
22 *efforts to prevent, protect against, prepare for, re-*
23 *spond to, mitigate, and recover from a biological at-*
24 *tack or other phenomena that may have serious health*

1 consequences for the United States, including infec-
2 tious disease outbreaks.”.

3 (b) *AFTER ACTION AND EFFICIENCIES REVIEW*.—Not
4 later than one year after the date of the enactment of this
5 Act, the Secretary of Homeland Security, acting through
6 the Assistant Secretary for the Chemical, Biological, Radio-
7 logical, Nuclear, and Explosives Office of the Department
8 of Homeland Security (established pursuant to section 2201
9 of the Homeland Security Act of 2002, as added by sub-
10 section (a) of this section), shall submit to the Committee
11 on Homeland Security of the House of Representatives and
12 the Committee on Homeland Security and Governmental
13 Affairs of the Senate a report that—

14 (1) reviews the functions and responsibilities of
15 the Chemical, Biological, Radiological, Nuclear, and
16 Explosives Office of the Department (established pur-
17 suant to section 2201 of the Homeland Security Act
18 of 2002, as added by subsection (a) of this section) to
19 identify and eliminate areas of unnecessary duplica-
20 tion;

21 (2) provides a detailed accounting of the man-
22 agement and administrative expenditures and activi-
23 ties of the Office, including expenditures related to the
24 establishment of the CBRNE Office, such as expendi-
25 tures associated with the utilization of the Secretary’s

1 *authority to award retention bonuses pursuant to*
2 *Federal law;*

3 *(3) identifies any potential cost savings and effi-*
4 *ciencies within the CBRNE Office or its divisions;*
5 *and*

6 *(4) identifies opportunities to enhance the effec-*
7 *tiveness of the management and administration of the*
8 *CBRNE Office to improve operational impact and*
9 *enhance efficiencies.*

10 *(c) CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR*
11 *AND EXPLOSIVES RESEARCH AND DEVELOPMENT.—*

12 *(1) IN GENERAL.—The Secretary of Homeland*
13 *Security shall assess the organizational structure of*
14 *the management and execution of the Department of*
15 *Homeland Security’s chemical, biological, radio-*
16 *logical, nuclear, and explosives research and develop-*
17 *ment activities, and shall develop and submit to the*
18 *Committee on Homeland Security and the Committee*
19 *on Appropriations of the House of Representatives*
20 *and the Committee on Homeland Security and Gov-*
21 *ernmental Affairs and the Committee on Appropria-*
22 *tions of the Senate at the time the President submits*
23 *the budget under section 1105 of title 31, United*
24 *States Code, for the fiscal year that follows the*
25 *issuance of the Comptroller General review required*

1 *pursuant to subsection (d) a proposed organizational*
2 *structure for the management and execution of such*
3 *chemical, biological, radiological, nuclear, and explo-*
4 *sives research and development activities.*

5 (2) *ORGANIZATIONAL JUSTIFICATION.—The Sec-*
6 *retary of Homeland Security shall include in the as-*
7 *essment required under paragraph (1) a thorough*
8 *justification and rationalization for the proposed or-*
9 *ganizational structure for management and execution*
10 *of chemical, biological, radiological, nuclear, and ex-*
11 *plosives research and development activities, includ-*
12 *ing the following:*

13 (A) *A discussion of the methodology for de-*
14 *termining such proposed organizational struc-*
15 *ture.*

16 (B) *A comprehensive inventory of chemical,*
17 *biological, radiological, nuclear, and explosives*
18 *research and development activities of the De-*
19 *partment of Homeland Security and where each*
20 *such activity will be located within or outside*
21 *such proposed organizational structure.*

22 (C) *Information relating to how such pro-*
23 *posed organizational structure will facilitate and*
24 *promote coordination and requirements genera-*
25 *tion with customers.*

1 (D) Information relating to how such pro-
2 posed organizational structure will support the
3 development of chemical, biological, radiological,
4 nuclear, and explosives research and development
5 priorities across the Department.

6 (E) If the chemical, biological, radiological,
7 nuclear, and explosives research and development
8 activities of the Department are not co-located in
9 such proposed organizational structure, a jus-
10 tification for such separation.

11 (F) The strategy for coordination between
12 the Under Secretary for Science and Technology
13 and the Assistant Secretary for the Chemical, Bi-
14 ological, Radiological, Nuclear, and Explosives
15 Office on chemical, biological, radiological, nu-
16 clear, and explosives research and development
17 activities.

18 (G) Recommendations for necessary statu-
19 tory changes.

20 (3) *LIMITATION ON ACTION.*—The Secretary of
21 Homeland Security may not take any action to reor-
22 ganize the structure referred to in paragraph (1) un-
23 less the Secretary receives prior authorization from
24 the Committee on Homeland Security of the House of
25 Representatives and the Committee on Homeland Se-

1 *curity and Governmental Affairs of the Senate per-*
2 *mitting any such action.*

3 *(d) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW*
4 *OF CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND*
5 *EXPLOSIVES RESEARCH AND DEVELOPMENT ACTIVITIES.—*

6 *(1) IN GENERAL.—The Comptroller General of*
7 *the United States shall conduct a review of the orga-*
8 *nizational structure of the Department of Homeland*
9 *Security’s management and execution of chemical, bi-*
10 *ological, radiological, nuclear, and explosives research*
11 *and development activities.*

12 *(2) SCOPE.—The review required under para-*
13 *graph (1) shall include the following:*

14 *(A) An assessment of the organizational*
15 *structure for the management and execution of*
16 *chemical, biological, radiological, nuclear, and*
17 *explosives research and development activities of*
18 *the Department of Homeland Security, including*
19 *identification of any overlap or duplication of*
20 *effort.*

21 *(B) Recommendations to streamline and*
22 *improve the organizational structure of the De-*
23 *partment’s management and execution of chem-*
24 *ical, biological, radiological, nuclear, and explo-*
25 *sives research and development activities.*

1 (3) *REPORT.*—Not later than two years after the
2 date of the enactment of this Act, the Comptroller
3 General shall submit to the Committee on Homeland
4 Security of the House of Representatives and the
5 Committee on Homeland Security and Governmental
6 Affairs of the Senate a report on the review required
7 under this subsection.

8 (e) *DISSEMINATION OF INFORMATION ANALYZED BY*
9 *THE DEPARTMENT OF HOMELAND SECURITY TO STATE,*
10 *LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPON-*
11 *SIBILITIES RELATING TO HOMELAND SECURITY.*—Para-
12 graph (8) of section 201(d) of the Homeland Security Act
13 of 2002 (6 U.S.C. 121(d)) is amended by striking “and to
14 agencies of State” and all that follows through the period
15 at the end and inserting “to State, local, tribal, territorial,
16 and appropriate private entities with such responsibilities,
17 and, as appropriate, to the public, in order to assist in pre-
18 venting, protecting against, preparing for, responding to,
19 mitigating, and recovering from terrorist attacks against
20 the United States.”.

21 (f) *TECHNICAL AND CONFORMING AMENDMENTS.*—The
22 Homeland Security Act of 2002 is amended—

23 (1) in paragraph (2) of section 103(a) (6 U.S.C.
24 113(a)), by striking “Assistant Secretary for Health
25 Affairs, the Assistant Secretary for Legislative Af-

1 *fairs, or the Assistant Secretary for Public Affairs,”*
2 *and inserting “Assistant Secretary for Legislative Af-*
3 *fairs or the Assistant Secretary for Public Affairs,”;*

4 *(2) in section 302 (6 U.S.C. 182)—*

5 *(A) by redesignating paragraphs (13) and*
6 *(14) as paragraphs (14) and (15), respectively;*
7 *and*

8 *(B) by inserting after paragraph (12) the*
9 *following new paragraph:*

10 *“(13) collaborating with the Assistant Secretary*
11 *for the Chemical, Biological, Radiological, Nuclear,*
12 *and Explosives Office on all chemical, biological, and*
13 *explosives research and development activities;”;*

14 *(3) in subsection (b) of section 307 (6 U.S.C.*
15 *187), by adding at the end the following new para-*
16 *graph:*

17 *“(8) CBRNE DEFENSE.—The Director shall co-*
18 *ordinate with the Assistant Secretary for the Chem-*
19 *ical, Biological, Radiological, Nuclear, and Explosives*
20 *Office on all chemical, biological, and explosives re-*
21 *search and development activities.”; and*

22 *(4) in subsection (c) of section 516 (6 U.S.C.*
23 *321e)—*

24 *(A) in the matter preceding paragraph (1),*
25 *by inserting “, including the health impacts of*

1 *chemical, biological, radiological, and nuclear*
 2 *agents and explosives” after “natural disasters”;*

3 *(B) by amending paragraph (2) to read as*
 4 *follows:*

5 *“(2) coordinating the Department’s policy, strat-*
 6 *egy, and preparedness for pandemics and emerging*
 7 *infectious diseases;”;* and

8 *(C) in paragraph (6), by striking “Under*
 9 *Secretary for Science and Technology” and in-*
 10 *serting “Assistant Secretary for the Chemical,*
 11 *Biological, Radiological, Nuclear, and Explosives*
 12 *Office”.*

13 **SEC. 3. CHEMICAL DIVISION.**

14 *(a) IN GENERAL.—Title XXII of the Homeland Secu-*
 15 *rity Act of 2002, as added by section 2 of this Act, is*
 16 *amended by adding at the end the following new subtitle:*

17 **“Subtitle B—Chemical Division**

18 **“SEC. 2211. CHEMICAL DIVISION.**

19 *“(a) ESTABLISHMENT.—There is established in the*
 20 *CBRNE Office a Chemical Division, headed by a Director*
 21 *of the Chemical Division (in this subtitle referred to as the*
 22 *‘Director’).*

23 *“(b) MISSION AND RESPONSIBILITIES.—The Director*
 24 *shall be responsible for coordinating departmental strategy*
 25 *and policy relating to terrorist attacks and other high-con-*

1 *sequence events utilizing chemical agents that pose a high*
2 *risk to homeland security, including the following:*

3 “(1) *Developing and maintaining the Depart-*
4 *ment’s strategy against chemical threats.*

5 “(2) *Serving as the Department representative*
6 *for chemical threats and related activities with other*
7 *Federal departments and agencies.*

8 “(3) *Providing oversight of the Department’s*
9 *preparedness, including operational requirements, for*
10 *chemical threats.*

11 “(4) *Enhancing the capabilities of Federal,*
12 *State, local, tribal, and territorial governments, and*
13 *private entities as appropriate, against chemical*
14 *threats.*

15 “(5) *Evaluating and providing guidance to Fed-*
16 *eral, State, local, tribal, and territorial governments,*
17 *and private entities as appropriate, on detection and*
18 *communication technology that could be effective in*
19 *terrorist attacks and other high-consequence events*
20 *utilizing chemical agents.*

21 “(6) *Supporting and enhancing the effective*
22 *sharing and use of appropriate information generated*
23 *by the intelligence community (as such term is de-*
24 *defined in section 3(4) of the National Security Act of*
25 *1947 (50 U.S.C. 3003(4))), law enforcement agencies,*

1 *other Federal, State, local tribal, and territorial gov-*
2 *ernments, and foreign governments, on chemical*
3 *threats.*

4 **“SEC. 2212. DEMONSTRATION PROJECTS.**

5 *“(a) IN GENERAL.—The Director may, subject to the*
6 *availability of appropriations for such purpose, partner*
7 *with high-risk urban areas or facilities to conduct dem-*
8 *onstration projects to enhance, through Federal, State, local,*
9 *tribal, and territorial governments, and private entities, ca-*
10 *pabilities of the United States to counter terrorist attacks*
11 *and other high-consequence events utilizing chemical agents*
12 *that pose a high risk to homeland security.*

13 *“(b) GOALS.—The Director may provide guidance and*
14 *evaluations for all situations and venues at risk of terrorist*
15 *attacks and other high-consequence events utilizing chemical*
16 *agents, such as at ports, areas of mass gathering, and tran-*
17 *sit facilities, and may—*

18 *“(1) ensure all high-risk situations and venues*
19 *are studied; and*

20 *“(2) ensure key findings and best practices are*
21 *made available to State, local, tribal, and territorial*
22 *governments and the private sector.*

23 *“(c) CONGRESSIONAL NOTIFICATION.—The Director*
24 *shall notify the Committee on Homeland Security of the*
25 *House of Representatives and the Committee on Homeland*

1 *Security and Governmental Affairs of the Senate not later*
2 *than 30 days before initiating a new demonstration*
3 *project.”.*

4 **(b) REPORT.**—*Not later than one year after the date*
5 *of the enactment of this Act, the Comptroller General of the*
6 *United States shall submit to the Committee on Homeland*
7 *Security of the House of Representatives and the Committee*
8 *on Homeland Security and Governmental Affairs of the*
9 *Senate an assessment of the Department of Homeland Secu-*
10 *rity’s programs and activities related to terrorist attacks*
11 *and other high-consequence events utilizing chemical agents*
12 *that pose a high risk to homeland security.*

13 **SEC. 4. BIOLOGICAL DIVISION.**

14 *Title XXII of the Homeland Security Act of 2002, as*
15 *added by section 2 of this Act and as amended by section*
16 *3 of this Act, is further amended by adding at the end the*
17 *following new subtitle:*

18 **“Subtitle C—Biological Division**

19 **“SEC. 2221. BIOLOGICAL DIVISION.**

20 **“(a) ESTABLISHMENT.**—*There is established in the*
21 *CBRNE Office a Biological Division, headed by a Director*
22 *of the Biological Division (in this subtitle referred to as*
23 *the ‘Director’).*

24 **“(b) MISSION AND RESPONSIBILITIES.**—*The Office*
25 *shall be responsible for coordinating departmental strategy*

1 *and policy relating to terrorist attacks and other high-con-*
2 *sequence events utilizing biological agents that pose a high*
3 *risk to homeland security, including the following:*

4 “(1) *Developing and maintaining the Depart-*
5 *ment’s strategy against biological threats.*”

6 “(2) *Serving as the Department representative*
7 *for biological threats and related activities with other*
8 *Federal departments and agencies.*”

9 “(3) *Providing oversight for the Department’s*
10 *preparedness, including operational requirements, for*
11 *biological threats.*”

12 “(4) *Enhancing the capabilities of Federal,*
13 *State, local, tribal, and territorial governments, and*
14 *private entities as appropriate, against biological*
15 *threats.*”

16 “(5) *Supporting and enhancing the effective*
17 *sharing and use of appropriate information generated*
18 *by the intelligence community (as such term is de-*
19 *fined in section 3(4) of the National Security Act of*
20 *1947 (50 U.S.C. 3003(4))), law enforcement agencies,*
21 *other Federal, State, local, tribal, and territorial gov-*
22 *ernments, and foreign governments, on biological*
23 *threats.*”

24 “(6) *Achieving a biological detection program.*”

1 “(7) *Maintaining the National Biosurveillance*
2 *Integration Center, authorized under section 316.*”.

3 **SEC. 5. NUCLEAR DIVISION.**

4 (a) *IN GENERAL.*—*Title XXII of the Homeland Secu-*
5 *rity Act of 2002, as added by section 2 of this Act and*
6 *as amended by sections 3 and 4 of this Act, is further*
7 *amended by adding at the end the following new subtitle:*

8 **“Subtitle D—Nuclear Division**

9 **“SEC. 2231. NUCLEAR DIVISION.**

10 “(a) *ESTABLISHMENT.*—*The Secretary shall include*
11 *within the CBRNE Office the Nuclear Division under title*
12 *XIX, headed by the Director of the Nuclear Division (in*
13 *this subtitle referred to as the ‘Director’)* pursuant to section
14 *1901.*

15 “(b) *MISSION AND RESPONSIBILITIES.*—*In addition to*
16 *the responsibilities specified in title XIX, the Director shall*
17 *also be responsible for coordinating departmental strategy*
18 *and policy relating to terrorist attacks and other high-con-*
19 *sequence events utilizing nuclear or other radiological mate-*
20 *rials, and for coordinating Federal efforts to detect and pro-*
21 *tect against the unauthorized importation, possession, stor-*
22 *age, transportation, development, or use of a nuclear explo-*
23 *sive device, fissile material, or radiological material in the*
24 *United States, and to protect against an attack using such*

1 *devices or materials against the people, territory, or inter-*
 2 *ests of the United States, in accordance with title XIX.”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*
 4 *Title XIX of the Homeland Security Act of 2002 is amend-*
 5 *ed—*

6 (1) *in the title heading, by striking “DOMES-*
 7 *TIC NUCLEAR DETECTION OFFICE” and*
 8 *inserting “NUCLEAR DIVISION”;*

9 (2) *in section 1901 (6 U.S.C. 591)—*

10 (A) *in the heading, by striking “DOMES-*
 11 *TIC NUCLEAR DETECTION OFFICE” and in-*
 12 *serting “NUCLEAR DIVISION”;*

13 (B) *in subsection (a), by striking “There*
 14 *shall be established in the Department a Domes-*
 15 *tic Nuclear Detection Office” and inserting*
 16 *“There is in the Department a Nuclear Division,*
 17 *located in the CBRNE Office”;* and

18 (C) *in subsection (b), by striking “Director*
 19 *for Domestic Nuclear Detection, who shall be ap-*
 20 *pointed by the President” and inserting “Direc-*
 21 *tor of the Nuclear Division”;*

22 (3) *in subsection (a) of section 1902 (6 U.S.C.*
 23 *592)—*

24 (A) *in the matter preceding paragraph*

25 (1)—

1 (i) by inserting after “responsible for”
2 the following: “coordinating departmental
3 strategy and policy relating to terrorist at-
4 tacks and other high-consequence events uti-
5 lizing nuclear or other radiological mate-
6 rials, and for”; and

7 (ii) by striking “to protect” and insert-
8 ing “protecting”; and

9 (B) in paragraph (11), in the matter pre-
10 ceding subparagraph (A), by striking “Domestic
11 Nuclear Detection Office” and inserting “Nuclear
12 Division”;

13 (4) by repealing section 1903 (6 U.S.C. 593);

14 (5) in section 1906 (6 U.S.C. 596)—

15 (A) in the matter preceding paragraph
16 (1)—

17 (i) by striking “Domestic Nuclear De-
18 tection” and inserting “the Nuclear Divi-
19 sion”; and

20 (ii) by striking “paragraphs (6) and
21 (7) of”; and

22 (B) in paragraph (2), by striking “para-
23 graphs (6) and (7) of”;

24 (6) in section 1907 (6 U.S.C. 596a)—

1 *ments to assist such governments in implementing radio-*
2 *logical and nuclear detection capabilities in the event of ter-*
3 *rorist attacks or other high-consequence events utilizing nu-*
4 *clear or other radiological materials that pose a high risk*
5 *to homeland security. Such capabilities shall be integrated*
6 *into the enhanced global nuclear detection architecture re-*
7 *ferred to in such section 1902(a)(4), and shall inform and*
8 *be guided by architecture studies, technology needs, and re-*
9 *search activities of the Office.”.*

10 *(c) SAVINGS PROVISION.—The individual serving as of*
11 *the date of the enactment of this Act as the Director for*
12 *Domestic Nuclear Detection of the Department of Homeland*
13 *Security may continue to serve as the Director of the Nu-*
14 *clear Division of the Department on and after such date.*

15 *(d) REFERENCE.—Any reference in any law, regula-*
16 *tion, or rule to the Domestic Nuclear Detection Office or*
17 *the Director for Domestic Nuclear Detection of the Depart-*
18 *ment of Homeland Security shall be deemed to be a ref-*
19 *erence to the Nuclear Division or the Director of the Nuclear*
20 *Division, respectively, of the Department.*

21 **SEC. 6. EXPLOSIVES DIVISION.**

22 *Title XXII of the Homeland Security Act of 2002, as*
23 *added by section 2 of this Act and as amended by sections*
24 *3, 4, and 5 of this Act, is further amended by adding at*
25 *the end the following new subtitle:*

1 **“Subtitle E—Explosives Division**

2 **“SEC. 2241. EXPLOSIVES DIVISION.**

3 “(a) *ESTABLISHMENT.*—*There is established within*
4 *the CBRNE Office an Explosives Division, headed by a Di-*
5 *rector of the Explosives Division (in this subtitle referred*
6 *to as the ‘Director’).*

7 “(b) *MISSION AND RESPONSIBILITIES.*—*The Director*
8 *shall be responsible for coordinating departmental strategy*
9 *and policy relating to terrorist attacks and other high-con-*
10 *sequence events utilizing explosives that pose a high risk*
11 *to homeland security, including the following:*

12 “(1) *Developing and maintaining the Depart-*
13 *ment’s strategy against explosives threats.*

14 “(2) *Serving as the Department representative*
15 *for explosives threats and related activities with other*
16 *Federal departments and agencies.*

17 “(3) *Providing oversight of the Department’s*
18 *preparedness, including operational requirements, for*
19 *explosives threats.*

20 “(4) *Enhancing the capabilities of Federal,*
21 *State, local, tribal, and territorial governments, and*
22 *private entities as appropriate, to counter terrorist*
23 *attacks and other high-consequence events utilizing ex-*
24 *plosives.*

1 “(5) *Evaluating and providing guidance to Fed-*
2 *eral, State, local, tribal, and territorial governments*
3 *and appropriate private entities on detection and*
4 *communication technology that could be effective dur-*
5 *ing terrorist attacks or other high-consequence events*
6 *utilizing explosives.*”

7 “(6) *Supporting and enhancing the effective*
8 *sharing and use of appropriate information generated*
9 *by the intelligence community (as such term is de-*
10 *efined in section 3(4) of the National Security Act of*
11 *1947 (50 U.S.C. 3003(4))), law enforcement agencies,*
12 *other Federal, State, local, tribal, and territorial gov-*
13 *ernment agencies, and foreign governments, on explo-*
14 *sives threats.*”

15 **SEC. 7. SAVINGS PROVISIONS.**

16 *Nothing in this Act shall change the authority of the*
17 *Administrator of the Federal Emergency Management*
18 *Agency to lead the emergency management system of the*
19 *United States. Nothing in this Act shall alter the responsi-*
20 *bility of the Chief Medical Officer of the Department of*
21 *Homeland Security to serve as the principal advisor to the*
22 *Secretary of Homeland Security and the Administrator of*
23 *the Federal Emergency Management Agency on medical*
24 *and public health issues pursuant to paragraph (1) of sec-*

1 *tion 516(c) of the Homeland Security Act of 2002 (6 U.S.C.*
 2 *321e(c)).*

3 **SEC. 8. CLERICAL AMENDMENTS.**

4 *The table of contents in section 1(b) of the Homeland*
 5 *Security Act of 2002 is amended—*

6 *(1) by striking the item relating to title XIX and*
 7 *inserting the following new item:*

“TITLE XIX—NUCLEAR DIVISION”;

8 *(2) by striking the item relating to section 1901*
 9 *and inserting the following new item:*

“Sec. 1901. Nuclear Division.”;

10 *(3) by striking the item relating to section 1903;*

11 *(4) by adding after the item relating to section*
 12 *1907 the following new item:*

*“Sec. 1908. Domestic Implementation of the global nuclear detection architec-
 ture.”; and*

13 *(5) by adding at the end the following:*

“TITLE XXII—CBRNE OFFICE

“Subtitle A—Chemical, Biological, Radiological, Nuclear, and Explosives Office

“Sec. 2201. Chemical, Biological, Radiological, Nuclear, and Explosives Office.

“Sec. 2202. Composition of the CBRNE Office.

“Sec. 2203. Hiring authority.

“Sec. 2204. Grants, cooperative agreements, and other transactions and contracts.

“Sec. 2205. Terrorism risk assessments.

“Sec. 2206. CBRNE communications and public messaging.

*“Sec. 2207. Chemical, biological, radiological, nuclear, and explosives intelligence
 and information sharing.”.*

“Subtitle B—Chemical Division

“Sec. 2211. Chemical Division.

“Sec. 2212. Demonstration projects.”.

“Subtitle C—Biological Division

“Sec. 2221. Biological Division.”.

“Subtitle D—Nuclear Division

“Sec. 2231. Nuclear Division.”

“Subtitle E—Explosives Division

“Sec. 2241. Explosives Division.”

Union Calendar No. 255

114TH CONGRESS
1ST Session

H. R. 3875

[Report No. 114-334]

A BILL

To amend the Homeland Security Act of 2002 to establish within the Department of Homeland Security a Chemical, Biological, Radiological, Nuclear, and Explosives Office, and for other purposes.

NOVEMBER 16, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed