To amend the Homeland Security Act of 2002 to authorize the Office of Health Security, make technical corrections to the authorization of the Countering Weapons of Mass Destruction Office, establish a Countering Weapons of Mass Destruction Advisory Committee, establish a departmental biodefense strategy, and for other purposes.
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Health Security and Countering Weapons of Mass Destruction Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—OFFICE OF HEALTH SECURITY


TITLE II—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Sec. 201. Technical corrections; Countering Weapons of Mass Destruction Advisory Committee; departmental biodefense strategy.
Sec. 203. Sunset repealed.
Sec. 204. Comptroller General review.

TITLE I—OFFICE OF HEALTH SECURITY

SEC. 101. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2), by striking “Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs,” and inserting “Assistant Secretary for Legislative Affairs”; and

(B) in subsection (d), by adding at the end the following new paragraph:
“(6) A Chief Medical Officer.”;

(2) by adding at the end the following new title:

“TITLE XXIII—OFFICE OF HEALTH SECURITY”;

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section, as so redesignated, to appear after the heading for title XXIII, as added by paragraph (2);

(4) in section 2301, as so redesignated and transferred—

(A) by amending the section heading to read as follows: “OFFICE OF HEALTH SECURITY”;

(B) by amending subsection (a) to read as follows:

“(a) In General.—There is in the Department an Office of Health Security.”;

(C) by amending subsection (b) to read as follows:

“(b) Head of Office of Health Security.—

“(1) In General.—The Office of Health Security shall be headed by a Chief Medical Officer (in this title referred to as the ‘Chief Medical Officer’), who shall be at the level of Assistant Secretary within the Department.
“(2) QUALIFICATIONS; DUTIES.—The Chief Medical Officer shall—

“(A) be appointed by the President pursuant to section 103(d);

“(B) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health; and

“(C) report directly to the Secretary.”;

(D) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking “medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—” and inserting “medical, public health, and workforce health and safety matters, including issues related to—”;

(ii) in paragraph (1), by striking “the Secretary, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials” and inserting “the Secretary and all other Department officials”; 

(iii) in paragraph (4), by striking “and” after the semicolon;
(iv) by redesignating paragraph (5) as paragraph (10); and

(v) by inserting after paragraph (4) the following new paragraphs:

“(5) delivering, advising, and supporting—

“(A) direct patient care; and

“(B) the organization, management, and staffing of component operations that deliver direct patient care;

“(6) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding—

“(A) knowledge and skill standards for medical personnel and the assessment of such knowledge and skill;

“(B) the collection, storage, and oversight of medical records; and

“(C) contracts for the delivery of direct patient care, other medical services, and medical supplies;

“(7) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer, or, as the case may be,
the employee who functions in the capacity of a com-
ponent chief medical officer;

“(8) with respect to any psychological health
counseling or assistance program of the Department,
including such a program of a law enforcement,
operational, or support component of the Depart-
ment, advising the head of each such component
with such a program regarding—

“(A) ensuring such program includes safe-
guards against adverse action, including auto-
matic referrals for a fitness for duty examina-
tion, by such component with respect to any
employee solely because such employee self-
identifies a need for psychological health coun-
seling or assistance or receives such counseling
or assistance;

“(B) increasing the availability and num-
ber of local psychological health professionals
with experience providing psychological support
services to personnel;

“(C) establishing a behavioral health cur-
riculum for employees at the beginning of their
careers to provide resources early regarding the
importance of psychological health;
“(D) establishing periodic management training on crisis intervention and such component’s psychological health counseling or assistance program;

“(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

“(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

“(G) prioritizing, as appropriate, cultural competence in the provision of psychological health counseling and assistance for certain populations of the workforce, such as employees serving in positions within law enforcement, to help improve outcomes for such employees receiving such counseling or assistance; and

“(H) including collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;
“(9) in consultation with the Chief Information Officer of the Department—

“(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

“(B) setting standards for technology used by components of the Department regarding the collection, storage, and oversight of medical records; and”; and

(E) by adding at the end the following new subsections:

“(d) ASSISTANCE AND AGREEMENTS.—In furtherance of this section, the Chief Medical Officer, at the direction of the Secretary, may—

“(1) provide technical assistance, training, information, and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments, and nongovernmental organizations;

“(2) enter into agreements with appropriate Federal departments and other executive agencies; and

“(3) accept services from personnel of components of the Department and appropriate Federal
departments and other executive agencies on a reim-
bursable or nonreimbursable basis.

“(e) Office of Health Security Privacy Offi-
cer.—

“(1) In General.—There shall be a Privacy
Officer of the Office of Health Security, appointed
by the Chief Medical Officer in consultation with the
Privacy Officer of the Department, with primary re-
ponsibility for privacy policy and compliance within
the Office and with respect to the carrying out of re-
 sponsibilities described in subsection (c).

“(2) Duties.—The Privacy Officer of the Of-
fice of Health Security shall—

“(A) report directly to the Chief Medical
Officer;

“(B) coordinate with and, as requested,
provide information to the Privacy Officer of
the Department; and

“(C) ensure privacy protections are inte-
 grated into all activities of the Office of Health
Security, subject to the review and approval of
the Privacy Officer of the Department.

“(f) Annual Report.—Not later than one year
after the date of the enactment of this subsection and an-
nually thereafter, the Chief Medical Officer shall submit
to Congress a report on the activities of the Office of Health Security for the immediately preceding year.”;

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301;

(6) in section 2302, as so redesignated and transferred—

(A) in subsection (a), by striking “Under Secretary of Management” each place such term appears and inserting “Chief Medical Officer”; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “Under Secretary for Management, in coordination with the Chief Medical Officer,” and inserting “Chief Medical Officer”; and

(ii) in paragraph (3), by striking “as deemed appropriate by the Under Secretary,”;

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302; and

(8) in subsection (a) of section 2303, as so redesigned and transferred, by striking “Assistant
Secretary for the Countering Weapons of Mass Destruction Office” and inserting “Chief Medical Officer”.

(b) Medical Countermeasures Program.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section, as so redesignated, to appear after section 2303 of title XXIII.

(c) Transition and Transfers.—

(1) In General.—The individual appointed pursuant to section 1931(a) of the Homeland Security Act of 2002 (6 U.S.C. 597) (as such section appeared on the day before the date of the enactment of this Act) of the Department of Homeland Security and serving as the Chief Medical Officer of the Department of Homeland Security on the day before such date of enactment, shall continue to serve as the Chief Medical Officer of the Department after such date without the need for reappointment.

(2) Saving Clause.—The rule of construction set forth in section 2(hh) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112–166, 5 U.S.C. 3132 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security (including the incum-
bent who holds the position on the day before the
date of the enactment of this Act), and such officer
shall be a Senior Executive Service position (as that
term is defined in section 3132(a) of title 5, United
States Code) and receive the rate of basic pay for
level IV of the Executive Schedule (in accordance
with section 5315 of such title).

(3) TRANSFER.—The Secretary of Homeland
Security shall transfer to the Chief Medical Officer
all functions, personnel, budget authority, and assets
of—

(A) the Under Secretary for Management,
relating to workforce health and medical sup-
port;

(B) the Assistant Secretary for the Coun-
tering Weapons of Mass Destruction Office, re-
lating to the Chief Medical Officer (including
the Medical Operations Directorate of the
Countering Weapons of Mass Destruction Of-

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as in existence on the day before the date of the enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—
The Homeland Security Act of 2002 is amended—

(1) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(2) in section 704(3)(4) (6 U.S.C. 344(e)(4)), by striking “section 711(a)” and inserting “section 710(a)”;

(3) by redesignating sections 711 (6 U.S.C. 351), 712 (6 U.S.C. 352), and 713 (6 U.S.C. 353) as sections 710, 711, and 712, respectively; and

(4) in title XIX, by striking the enumerator and heading of subtitle C.

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

(1) by striking the item relating to section 528 (as in existence on the day before the date of the enactment of this Act);

(2) by redesignating the item relating to section 529 as the item relating to section 528;

(3) by striking the item relating to section 710 (as in existence on the day before the date of the enactment of this Act);
(4) by redesignating the items relating to sections 711, 712, and 713 as the items relating to sections 710, 711, and 712, respectively;

(5) by inserting after the item relating to section 1900 the following new item:

"Sec. 1900A. Rule of construction."

(6) by inserting after the item relating to section 1928 the following new item:

"Sec. 1929. Countering Weapons of Mass Destruction Advisory Committee."

(7) by striking the items relating to subtitle C of title XIX (as in existence on the day before the date of the enactment of this Act); and

(8) by adding at the end the following new items:

TITLE XXIII—OFFICE OF HEALTH SECURITY

"Sec. 2302. Workforce health and medical support.
"Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
"Sec. 2304. Medical countermeasures."
TITLE II—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 201. TECHNICAL CORRECTIONS; COUNTERING WEAPONS OF MASS DESTRUCTION ADVISORY COMMITTEE; DEPARTMENTAL BIODEFENSE STRATEGY.

Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

(1) in the matter preceding subtitle A, by inserting after section 1900 the following new section:

``SEC. 1900A. RULE OF CONSTRUCTION.

“Nothing in this title may be construed as affecting in any manner or respect the operation of the Chemical Facility Anti-Terrorism Standards Program of the Cybersecurity and Infrastructure Security Agency or title XXI.”;

(2) in subtitle A, in section 1901(c) (6 U.S.C. 591(c))—

(A) in the matter preceding paragraph (1), by striking “serve as the Secretary’s principal advisor on”;

and

(B) by striking paragraphs (1) and (2) and inserting the following new paragraphs:
“(1) serve as the Secretary’s principal advisor on matters and strategies relating to—

“(A) countering weapons of mass destruction; and

“(B) non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats;

“(2) coordinate the efforts of the Department to counter—

“(A) weapons of mass destruction;

“(B) non-medical aspects of chemical, biological, radiological, and nuclear threats; and

“(C) other related emerging terrorism threats; and

“(3) enhance the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of terrorist attacks in the United States involving—

“(A) weapons of mass destruction; or

“(B) non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats.”;

and

(3) in subtitle B—
(A) in section 1921 (6 U.S.C. 591g), by striking “The Office shall be responsible” and all that follows through “interests of the United States.” and inserting the following: “The Office shall be responsible for—

“(1) coordinating the Department’s efforts and with other Federal Departments and agencies to counter weapons of mass destruction and non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats; and

“(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of—

“(A) weapons of mass destruction; and

“(B) non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats.”;

(B) in section 1923(a) (6 U.S.C. 592(a))—

(i) by redesignating paragraphs (13) and (14) as paragraphs (18) and (19), respectively; and

(ii) by inserting after paragraph (12) the following new paragraphs:
“(13) serve as the primary entity within the Department responsible for developing, acquiring, deploying, supporting, and operating a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments;

“(14) support the enhancement of chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments, and provide guidance, tools, and training to help ensure a managed, coordinated response among such entities;

“(15) collaborate with relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories regarding chemical and biological surveillance efforts;

“(16) carry out a program to test and evaluate, in consultation with the Science and Technology Directorate and, as appropriate, State, local, Tribal, and territorial partners, and in coordination with other relevant Federal agencies, technology to detect and report on chemical, biological, radiological, and nuclear weapons or unauthorized material for use by the Department and such partners, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting such weapons or material—
“(A) under realistic operational and environmental conditions; and

“(B) against realistic adversary tactics and countermeasures;

“(17) conduct, support, coordinate, and encourage, in consultation with State, local, Tribal, and territorial partners, and in coordination with the Science and Technology Directorate, transformational research and development efforts to generate new technologies to detect, protect against, and report on the illicit entry across the United States borders, or the transport, assembly, or use within the United States of chemical, biological, radiological, and nuclear weapons or unauthorized material;”; and

(C) by adding at the end the following new section:

“SEC. 1929. COUNTERING WEAPONS OF MASS DESTRUCTION ADVISORY COMMITTEE.

“(a) Establishment.—There is established in the Office a Countering Weapons of Mass Destruction Advisory Committee (in this section referred to as the ‘Advisory Committee’). The Advisory Committee shall make recommendations with respect to the activities of the Office.

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“(b) MEMBERSHIP.—The Assistant Secretary shall appoint not more than 18 individuals to serve as members of the Advisory Committee. Such individuals shall represent, to the extent practicable, a geographic (including urban and rural) and substantive cross section of officials from State, local, and Tribal governments, academia, the private sector, and nongovernmental organizations. The Assistant Secretary shall seek to ensure one-third of the members are selected from the emergency management field and emergency response providers and State, local, and Tribal government officials. The Assistant Secretary shall seek to ensure the remaining members are—

“(1) individuals from the public or private sectors with expertise in chemical, biological, radiological, or nuclear agents and weapons;

“(2) representatives from the national laboratories; and

“(3) such other individuals as the Assistant Secretary determines appropriate.

“(c) RESPONSIBILITIES.—The Advisory Committee shall—

“(1) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

“(2) incorporate State, local, and Tribal government, national laboratories, and private sector input
in the development of the strategy and implementa-
tion plan of the Department for countering weapons
of mass destruction; and

“(3) establish performance criteria for a na-
tional biological detection system and review any as-
sociated testing protocols for biological detection
prototypes.

“(d) CONSULTATION.—The Assistant Secretary shall
regularly consult and work with the Advisory Committee
regarding the Office’s activities, including with respect to
activities associated with the administration of Federal as-
sistance provided by the Department, and the development
of requirements for countering weapons of mass destruc-
tion programs.

“(e) VOLUNTARY SERVICE AND TERMS.—The mem-
ers of the Advisory Committee shall serve on the Advisory
Committee on a voluntary basis. Members of may serve
for up to three consecutive years, but a member appointed
to fill a vacancy occurring before the expiration of the
term for which such member’s predecessor was appointed
may be appointed for the remainder of such term.

“(f) FACA.—The Federal Advisory Committee Act
(5 U.S.C. App.) shall not apply to the Advisory Com-
mittee.”.
SEC. 202. BIODEFENSE REVIEW AND STRATEGY.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by inserting after section 515 (6 U.S.C. 321d) the following new section:

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“SEC. 516. DEPARTMENT-WIDE BIODEFENSE REVIEW AND STRATEGY.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, academic, private sector, and nongovernmental entities, shall conduct a Department-wide review of biodefense activities and strategies.

“(b) REVIEW.—The review required under subsection (a) shall—

“(1) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

“(2) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

“(3) identify any policy, resource, capability, or other gaps in the Department’s ability to assess, prevent, protect against, and respond to biological threats; and
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“(4) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

“(c) STRATEGY.—Not later than one year after completion of the review required under subsection (a), the Secretary shall issue a biodefense strategy for the Department that is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or successor strategy. Such strategy shall—

“(1) describe the Department’s biodefense mission and role, as well as how such relates to the biodefense lines of effort of the Department;

“(2) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the Department’s components and offices involved in the biodefense lines of effort of the Department;

“(3) establish how biodefense lines of effort of the Department are to be coordinated within the Department;
“(4) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

“(5) include information relating to—

“(A) milestones and performance metrics that are specific to the Department’s biodefense mission and role described in paragraph (1); and

“(B) implementation of any operational changes necessary to carry out paragraphs (3) and (4).

“(d) PERIODIC UPDATE.—Beginning not later than five years after the issuance of the strategy and implementation plans required under subsection (c) and not less often than once every five years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.”.

(b) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans for the Department of Homeland Se-
security required under section 516(c) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such strategy and plans.

(c) 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 515 the following new item:

``Sec. 516. Department-wide biodefense review and strategy.``.

SEC. 203. SUNSET REPEALED.


SEC. 204. COMPTROLLER GENERAL REVIEW.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the implementation of section 516 of the Homeland Security Act of 2002, as added by section 202, including information relating to the following:

(1) The Office’s efforts to prioritize its programs and activities to conduct the Office’s mission
to safeguard against chemical, biological, radiological, and nuclear threats.

(2) The consistency and effectiveness of the Office’s efforts at coordinating with State, local, Tribal, and territorial entities and international partners across its mission areas.

(3) The Office’s efforts to manage the lifecycle of research and development within the Office and with other operational and support components of the Department of Homeland Security, including the Science and Technology Directorate.

(4) Any actions by the Office to measure progress in addressing employee engagement and improving employee morale across the Office.

(5) The extent and effectiveness of the Office’s coordination with other operational and support components, including the Science and Technology Directorate, of the Department regarding research and development projects.

(6) The Office’s efforts to prioritize its research and development funding, including to address emerging chemical, biological, radiological, and nuclear threats.